

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY PARRY,

Plaintiff,

-vs-

Case No. 2:22-cv-11328-DPH-DRG

HOSPICE OF MICHIGAN, INC., Hon. Denise Page Hood

A Michigan non-profit

corporation, et al.,

Defendants.

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DEPONENT: RABBI ELCHONON BUNIM "BUNNY" FREEDMAN

DATE: Wednesday, March 13, 2024

TIME: 9:36 a.m.

LOCATION: Plunkett Cooney

38505 Woodward Avenue, Suite 100

Bloomfield Hills, Michigan

REPORTER: John J. Slatin, RPR, CSR-5180

Certified Shorthand Reporter

(Appearances listed on page 2)

Rabbi E.B. 'Bunny' Freedman

March 13, 2024

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| 4 ANNEMARIE SMITH-MORRIS (P87221)          | 4                                            |
| 5 Salvatore Prescott Porter & Porter, PLLC | 5 RABBI ELCHONON BUNIM "BUNNY" FREEDMAN      |
| 6 105 East Main Street                     | 6                                            |
| 7 Northville, Michigan 48167               | 7 Examination by Ms. Prescott 8              |
| 8 (248) 679-8711                           | 8                                            |
| 9 prescott@sppplaw.com                     | 9 EXHIBITS (Attached): IDENTIFIED            |
| 10 smith-morris@sppplaw.com                | 10                                           |
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| <p>Page 6</p> <p>IDENTIFIED</p> <p>1 EXHIBITS (Continued):</p> <p>2</p> <p>3 Exhibit 16 Summary of Services Provided 269</p> <p>4 to Hospice of Michigan</p> <p>5 Exhibit 17 Digital audio file played 298</p> <p>6 during deposition</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Page 8</p> <p>1 as follows:</p> <p>2 EXAMINATION</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. So, Rabbi, we did get to meet yesterday. I'm Sarah</p> <p>5 Prescott, Greg Parry's lawyer.</p> <p>6 I'm going to hand you what I've marked as Exhibit</p> <p>7 2.</p> <p>8 (Deposition Exhibit 2 marked</p> <p>9 for identification.)</p> <p>10 MS. PRESCOTT: Did I give you --</p> <p>11 MS. SMITH-MORRIS: Oh, I think --</p> <p>12 MR. MCGORISK: I think you gave me the one that you</p> <p>13 already --</p> <p>14 MS. PRESCOTT: Apologies. I apologize.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. All right. Rabbi, I have handed you Exhibit 2, which is</p> <p>17 a subpoena for your appearance today to testify.</p> <p>18 Did you receive this?</p> <p>19 A. (Nods head.)</p> <p>20 THE REPORTER: I'm sorry. Is that --</p> <p>21 A. Pardon?</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. Did you receive this document?</p> <p>24 A. Just now, yes.</p> <p>25 Q. Had you received it before today?</p>                                                                                                                                                                                                                                                                                                                  |
| <p>Page 7</p> <p>1 Wednesday, March 13, 2024</p> <p>2 Bloomfield Hills, Michigan</p> <p>3 9:36 a.m.</p> <p>4 * * *</p> <p>5 (Deposition Exhibit 1 marked</p> <p>6 for identification.)</p> <p>7 * * *</p> <p>8 MR. MCGORISK: Before we get started, I just want</p> <p>9 to put on the record, Exhibit Number 1 is the stipulated</p> <p>10 protective order which also protects -- besides</p> <p>11 documents, it protects testimony, and we're requesting</p> <p>12 that Rabbi Bunny Freedman's testimony be designated as</p> <p>13 confidential and subject to this protective order.</p> <p>14 MS. PRESCOTT: Did you get the appearances, John?</p> <p>15 THE REPORTER: Yes, I have them. Thank you.</p> <p>16 MS. PRESCOTT: One moment, and I'll introduce</p> <p>17 myself.</p> <p>18 But also, for the record, you know, I don't think</p> <p>19 that -- you know, there was absolutely no contemplation</p> <p>20 of just blanket designations under the protective order,</p> <p>21 but we -- we understand your attempts to designate, and</p> <p>22 so I'm going to take that up later.</p> <p>23 * * *</p> <p>24 RABBI ELCHONON BUNIM "BUNNY" FREEDMAN,</p> <p>25 having been first duly sworn, was examined and testified</p> | <p>Page 9</p> <p>1 A. I'm not aware of this -- having this --</p> <p>2 Q. Okay.</p> <p>3 MR. MCGORISK: I accepted service for him on this</p> <p>4 document.</p> <p>5 MS. PRESCOTT: All right.</p> <p>6 MR. MCGORISK: He saw the first one, though.</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. All right. So, we are -- we are here today pursuant to</p> <p>9 subpoena, and your testimony today will be taken</p> <p>10 pursuant to a set of Court Rules, the Federal Rules of</p> <p>11 Civil Procedure, and they will be used for any purposes</p> <p>12 allowed thereunder.</p> <p>13 I am happy to repeat myself or clarify any time.</p> <p>14 Will you let me know if you need me to do that?</p> <p>15 A. Sometimes there will be a deficiency in my hearing, and</p> <p>16 if you talk a little louder than you are right now, I</p> <p>17 don't think we'll have a problem.</p> <p>18 Q. Will do.</p> <p>19 And I -- I never want to interrupt you. So, please</p> <p>20 definitely let me know if you have not finished an</p> <p>21 answer. I want to hear your answers. I need to hear</p> <p>22 your answers.</p> <p>23 But, like I said, you -- since -- since you have</p> <p>24 shared that you have some concern with hearing, I'm</p> <p>25 always happy to repeat myself and/or clarify. I'm also</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 happy to take breaks as needed.</p> <p>2 I would just ask that we answer any question that</p> <p>3 is pending at that time.</p> <p>4 A. (Nods head.)</p> <p>5 Q. If you nod or shake your head in a "no" way, I may say,</p> <p>6 "Is that a yes or no?" just because a court reporter</p> <p>7 would -- will then be able to take it down.</p> <p>8 I know we need to take a break for counsel later</p> <p>9 this morning. That's fine. Like I said, if there's</p> <p>10 other times, you know, restroom, whatever you may need.</p> <p>11 So, I wanted to begin this morning, Rabbi, by</p> <p>12 asking, when did you meet -- when did you first meet Bob</p> <p>13 Cahill?</p> <p>14 A. I don't know when the first time was. He had been</p> <p>15 working up the ranks, and until he became the -- the --</p> <p>16 no, I met him -- I've met him numerous times, and when</p> <p>17 he became the CEO, then there was more interaction.</p> <p>18 Q. Understanding that you won't be able to pinpoint the</p> <p>19 first time you met -- that's reasonable -- what is the</p> <p>20 first time you do remember knowing Bob?</p> <p>21 A. JHCN puts on a conference each year, and we've met. And</p> <p>22 that's been running for about 17 years. And I think Bob</p> <p>23 was usually in attendance at those conferences, and we</p> <p>24 were cordial and friendly. And that was most of the</p> <p>25 interaction until he became the CEO. But there were</p> | <p style="text-align: right;">Page 12</p> <p>1 A. Well, he became the CEO and sometimes there were</p> <p>2 sit-downs where we -- we -- we met, and he had come to</p> <p>3 the Jewish Hospice offices. I had been in offices --</p> <p>4 the various different offices from downtown to -- onto</p> <p>5 Ann Arbor, where there -- we interacted and talked about</p> <p>6 subjects.</p> <p>7 But my main answer -- person that I answered to was</p> <p>8 Patrick Miller.</p> <p>9 THE REPORTER: I'm sorry. "-- was --"?</p> <p>10 A. Patrick Miller.</p> <p>11 THE REPORTER: Thank you.</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. All right. Have you ever been out to a meal, for</p> <p>14 example, with Bob Cahill and --</p> <p>15 A. Not that I recall, no.</p> <p>16 Q. All right. Have you -- do you recall a time where he</p> <p>17 was the -- either the speaker or the MC, the announcer</p> <p>18 who was the one who gave you a -- a public award or --</p> <p>19 or recognition of some kind?</p> <p>20 A. I received their annual award in one year, and I don't</p> <p>21 remember if it was Bob. My memory of that is -- my --</p> <p>22 most likely, it was Dottie that -- I don't know if --</p> <p>23 remember if they gave be a plaque or anything, but I</p> <p>24 was their honoree, and she probably had mentioned</p> <p>25 accolades. But I don't -- I don't think it was Bob. It</p> |
| <p style="text-align: right;">Page 11</p> <p>1 other -- would be other occasions that I -- I did meet</p> <p>2 him.</p> <p>3 Q. When you worked at HOM, did you ever have a reporting</p> <p>4 relationship with Mr. Cahill?</p> <p>5 A. When I worked for HOM?</p> <p>6 In which period are you talking about? Throughout</p> <p>7 until '21?</p> <p>8 Q. At any time, did you ever have a relationship where you</p> <p>9 reported to Bob Cahill?</p> <p>10 A. I don't think so.</p> <p>11 Q. Okay. Tell me -- you've mentioned that when Bob became</p> <p>12 the CEO, the relationship -- it changed in some way.</p> <p>13 What were you thinking of?</p> <p>14 A. Well, he was the boss of the organization. Prior to</p> <p>15 that, I started where the CEO was Carolyn Cassin. Then</p> <p>16 there was Dottie Deremo and then it was Bob.</p> <p>17 So, it was just a -- a normal transition kind of</p> <p>18 from leadership, and there were a lot of encounters that</p> <p>19 I had along the way. I couldn't date them or, you know,</p> <p>20 give you a list of how many times. But they were, as</p> <p>21 you would expect -- I mean, I was -- I always carried</p> <p>22 like a -- at least in the first part of my -- when I</p> <p>23 probably met Bob -- I'm going to take that back.</p> <p>24 Can you ask me again?</p> <p>25 Q. Well, just how things changed when he became CEO.</p>                                                                                                               | <p style="text-align: right;">Page 13</p> <p>1 could have been.</p> <p>2 Q. When we add in not just sit-down meetings that happened</p> <p>3 at both JHCN and HOM, and we expand that out to now</p> <p>4 talking about phone calls or Zooms or larger group</p> <p>5 meetings where it wasn't just the two of you, did you</p> <p>6 all interact relatively routinely throughout the years</p> <p>7 or infrequently?</p> <p>8 A. I would not -- infrequently that we would be calling</p> <p>9 each other. It was -- it was through Patrick that most</p> <p>10 of our -- my communication with JHCN post the Dottie</p> <p>11 era.</p> <p>12 Q. All right. In the last -- in the last couple of years,</p> <p>13 how many sort of meetings have you had where Bob Cahill</p> <p>14 was present, depending on -- no matter who else may have</p> <p>15 been there?</p> <p>16 A. You said a couple years?</p> <p>17 Q. Yes. The last couple, two, three years.</p> <p>18 A. I'm going to guess about two --</p> <p>19 Q. Okay.</p> <p>20 A. -- that I can think of. I mean, I can think of one,</p> <p>21 but --</p> <p>22 Q. Do you think of yourself as having a friendly</p> <p>23 relationship?</p> <p>24 A. More courteous, friendly.</p> <p>25 It wasn't unfriendly. So, we could call it</p>                                                                                                              |

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| <p style="text-align: right;">Page 14</p> <p>1 friendly, but it wasn't, you know, something we catch --</p> <p>2 caught up with each other and called each other, say</p> <p>3 "hi" and things like that, no.</p> <p>4 Q. Okay. Have you read his deposition?</p> <p>5 A. No.</p> <p>6 Q. So, he testified that he couldn't remember ever meeting</p> <p>7 with you.</p> <p>8 What's your reaction to that?</p> <p>9 A. I recall differently.</p> <p>10 Q. Have you read Patrick Miller's deposition?</p> <p>11 A. Yes.</p> <p>12 Q. Have you read all of it?</p> <p>13 A. Yes.</p> <p>14 Q. Did anything surprise you in the deposition?</p> <p>15 A. Much.</p> <p>16 Q. What?</p> <p>17 A. His version of -- of a lot of events, multiple events.</p> <p>18 It was very different than my understanding of the</p> <p>19 situation.</p> <p>20 Q. Okay. What else? Anything else?</p> <p>21 MR. MCGORISK: Well, I'm going to object. It's</p> <p>22 kind of overly broad. I mean --</p> <p>23 A. Yeah, it is. It is --</p> <p>24 MR. MCGORISK: The deposition is like several</p> <p>25 hundred pages long.</p>                                                                                                                                                                                                                                                                                                                                                                           | <p style="text-align: right;">Page 16</p> <p>1 and the reporting and interactions with Natalie. The --</p> <p>2 just the whole -- you know, there's -- there's about a</p> <p>3 dozen things. I don't know that I could efficiently</p> <p>4 tick them off, you know, but there was a lot of conflict</p> <p>5 of my memory.</p> <p>6 Q. Did you make any notes to yourself about it?</p> <p>7 A. I did.</p> <p>8 Q. Where -- where are they?</p> <p>9 A. I don't have them with me.</p> <p>10 Q. Okay. When was the last time you looked at them?</p> <p>11 A. Last night.</p> <p>12 Q. Okay. Then having looked at this last night -- and I</p> <p>13 know you -- you know, you knew you were having to come</p> <p>14 here today and probably presumed this would be the kind</p> <p>15 of thing we would be talking about.</p> <p>16 What do you remember taking notes on?</p> <p>17 A. For instance, when -- when he was -- asked about</p> <p>18 business relationship, he had no idea -- I don't know if</p> <p>19 he just said "I don't remember," but like he couldn't</p> <p>20 respond right away.</p> <p>21 Of course it was a business relationship, and, of</p> <p>22 course, there was.</p> <p>23 And in that book, Natalie's book, you know, it</p> <p>24 shows documentation of that.</p> <p>25 Q. Okay. What else?</p>                                                                                                                                                  |
| <p style="text-align: right;">Page 15</p> <p>1 So -- but to the extent you can remember --</p> <p>2 A. Yeah. So, you know, he remembered things very</p> <p>3 differently than I did. And in many of the things, I</p> <p>4 found that he was -- didn't have a clear understanding</p> <p>5 of the JHCN relationship, and it was surprising to me,</p> <p>6 the relationship between Hospice of Michigan and JHCN.</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. Okay. Anything else in general, understanding that</p> <p>9 you're just giving me an overview of what -- what stands</p> <p>10 out or what you recall as being surprising?</p> <p>11 A. There would be observations. I probably don't think you</p> <p>12 want to hear my observations and judgments, but the</p> <p>13 facts that -- that were stated, some were, like I said</p> <p>14 to you earlier, some were -- I didn't really understand</p> <p>15 where those facts came from or didn't jibe with my</p> <p>16 awareness of the situation.</p> <p>17 Q. Okay. What are the areas that you remember sort of</p> <p>18 standing out to you as things where your -- your</p> <p>19 memories diverged?</p> <p>20 A. If I remember correctly, there were about a dozen things</p> <p>21 in that -- in his testimony that didn't jibe with my</p> <p>22 understanding of how they went -- actually happened.</p> <p>23 Q. Okay. Like what?</p> <p>24 A. Or --</p> <p>25 I mean, the entire relationship. The -- the hiring</p> | <p style="text-align: right;">Page 17</p> <p>1 A. I can't be specific, so I won't attempt.</p> <p>2 Q. Did you get to the part of the deposition where he --</p> <p>3 we -- I'm confronting him about having been recorded</p> <p>4 talking about trying to appeal to you as feeling</p> <p>5 persecuted and Jewish people in general feeling</p> <p>6 persecuted? Did you read that part?</p> <p>7 A. I did read that part.</p> <p>8 Q. Did that ever come out in your discussion and dialog</p> <p>9 with him?</p> <p>10 A. No.</p> <p>11 Q. Like did he ever approach you on anything and say like,</p> <p>12 "Look, I'm here for you. I'm trying to protect you,</p> <p>13 Rabbi," and, you know, that kind of a manipulative, you</p> <p>14 know, thing --</p> <p>15 A. The persecution piece -- I mean, you know, we took all</p> <p>16 the Hospice of Michigan employees in -- on a somewhat</p> <p>17 regular basis to visit the Holocaust Memorial, you know.</p> <p>18 And that is a framework that -- that is relevant to most</p> <p>19 of us. And we were -- in trying to educate the</p> <p>20 community, we would talk about the Holocaust as a</p> <p>21 separate entity, not as our identity or not -- you know,</p> <p>22 and it -- it was part of our history and more recent</p> <p>23 history we were -- felt it was important. We had a</p> <p>24 number of patients on a very regular basis. It was</p> <p>25 almost -- at any given time, there are Holocaust</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 survivors.</p> <p>2 Now, that is a segment of -- of Jewish people that</p> <p>3 might certainly feel that way. So, there was education.</p> <p>4 And it could be that Patrick went on one of those visits</p> <p>5 or something or knew about them. But this was -- this</p> <p>6 is not part of my everyday conversations. And if we had</p> <p>7 a conversation, I would probably remember it.</p> <p>8 So, no, I don't think we had a conversation, but --</p> <p>9 Q. Did you -- have you listened to the tapes?</p> <p>10 A. No.</p> <p>11 What tapes? The -- are they --</p> <p>12 Q. There's tapes of them talking about you, and I'm just</p> <p>13 wondering if you've heard them.</p> <p>14 A. Tapes?</p> <p>15 Where would those tapes be?</p> <p>16 No, I'm not -- not aware.</p> <p>17 Q. I don't know what you look- -- let's -- what have you</p> <p>18 received from this litigation; if you know?</p> <p>19 Like, hey, here are some files -- things we pulled</p> <p>20 up out of the computers in the basement of HOM that you</p> <p>21 should see and look at?</p> <p>22 A. I think there would be in Natalie's book if -- if we</p> <p>23 received it.</p> <p>24 Q. All right.</p> <p>25 A. And so we -- we saw the -- the depositions, and there</p> | <p style="text-align: right;">Page 20</p> <p>1 A. Okay.</p> <p>2 Q. Those lawyers are good.</p> <p>3 All right. So, putting aside, you know, talking to</p> <p>4 your own family about concerns, when did you go to a</p> <p>5 lawyer that, you know, you would have to establish some</p> <p>6 sort of relationship --</p> <p>7 A. Approximately --</p> <p>8 Q. -- business-wise?</p> <p>9 A. Approximately four, five, six months ago. Four, five</p> <p>10 months, you know.</p> <p>11 Q. Okay.</p> <p>12 A. More recent.</p> <p>13 Q. Okay. Okay. So, let me get -- so, for example, there</p> <p>14 came a time when Hospice of Michigan started issuing</p> <p>15 some different legal documents, Confidentiality</p> <p>16 Agreements, Business Associate Agreements, agreements</p> <p>17 with -- between JHCN and HOM. That happened in, you</p> <p>18 know, 2021 and 2022.</p> <p>19 Did you have -- did you retain counsel at that</p> <p>20 point to go over those?</p> <p>21 A. No, I didn't retain counsel. But we had a lawyer, Linda</p> <p>22 Wasserman, affiliated with Honigman Miller. And she was</p> <p>23 a very dear friend and -- but she was our attorney. I</p> <p>24 don't know if she would be the attorney of record. But</p> <p>25 whenever there was an issue, we went to her and she has</p>                                                                        |
| <p style="text-align: right;">Page 19</p> <p>1 were some e-mails that were presented to us. Most of</p> <p>2 what I heard about, I heard from Brian, stuff that he</p> <p>3 culled from the information passed on to him from</p> <p>4 previous lawyers, and he presented them to me a while</p> <p>5 ago.</p> <p>6 Q. When -- when did you first seek legal help related</p> <p>7 anything to do with HOM?</p> <p>8 A. I have two -- a son and son-in-law that are lawyers.</p> <p>9 This is not their field at all, but -- so, I have had</p> <p>10 conversations with them regarding HOM and regarding my</p> <p>11 transition and things like that, casual relationships.</p> <p>12 No -- no payment involved.</p> <p>13 Q. Sure.</p> <p>14 A. So, I wouldn't say they were signed lawyers.</p> <p>15 I've talked on multiple occasions with Brian --</p> <p>16 with Brian Herschfus and, of course, with --</p> <p>17 Q. So, it's not --</p> <p>18 A. -- both Brians.</p> <p>19 Q. -- some people might say it's nice. Some people might</p> <p>20 say it's not nice to have lawyers in the family. It</p> <p>21 depends on your outlook.</p> <p>22 But putting aside chatting with your own kids --</p> <p>23 A. The two of them are -- are very nice to have in my</p> <p>24 family.</p> <p>25 Q. Good.</p>         | <p style="text-align: right;">Page 21</p> <p>1 been very helpful.</p> <p>2 I don't -- I can't tell you -- there must have been</p> <p>3 things to do with the relationship with HOM, but not</p> <p>4 every document that I signed, for sure, you know, was</p> <p>5 reviewed by her. So, I'm not sure what you're asking</p> <p>6 about in terms of legal advice.</p> <p>7 Q. Okay.</p> <p>8 A. It -- it was a light involvement -- I could tell you</p> <p>9 that -- on all fronts. There were a couple of issues</p> <p>10 that came up, but I don't recall issues with Hospice of</p> <p>11 Michigan strategically or otherwise.</p> <p>12 Q. Okay. Let me ask it this way.</p> <p>13 Do you recall that you made -- have made notes that</p> <p>14 the relationship with Hospice of Michigan became</p> <p>15 adversarial in 2021 or 2022, somewhere in there?</p> <p>16 A. I recall, yes.</p> <p>17 Q. Okay. When the relationship became adversarial,</p> <p>18 whatever time frame exactly that was, did you have a</p> <p>19 lawyer helping you with the adversarial nature of how</p> <p>20 things were developing?</p> <p>21 A. I didn't really have a lawyer of -- of official -- you</p> <p>22 know, a relationship that was paid or -- until Brian</p> <p>23 came onboard, Brian Herschfus.</p> <p>24 Q. Couple -- three, four months ago?</p> <p>25 A. Yeah. The same time frame.</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 Q. Okay. Fair enough.</p> <p>2 Okay. So, did there ever a come a time when</p> <p>3 Hospice of Michigan's lawyers wanted to meet with you</p> <p>4 and interview you?</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. So, there is a woman named Abby Pendleton at a</p> <p>7 place called Health Law Partners.</p> <p>8 Do you ever remember meeting with her or talking to</p> <p>9 her?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. Did you read Lee Ann Myers' deposition?</p> <p>12 A. I did.</p> <p>13 Q. Were there aspects of that deposition you also took</p> <p>14 notes on because you saw issues that you didn't agree</p> <p>15 with?</p> <p>16 A. I reviewed it all. I might have wrote some notes to</p> <p>17 myself, but it was nothing that I found particularly</p> <p>18 alarming.</p> <p>19 (Discussion held off the record.)</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. Have you read Greg Parry's deposition?</p> <p>22 A. I don't think so.</p> <p>23 MR. MCGORISK: He's -- he's the Plaintiff.</p> <p>24 THE WITNESS: Yeah, I understand. But I don't</p> <p>25 think I saw his deposition.</p>                                                                                                              | <p style="text-align: right;">Page 24</p> <p>1 was about, and -- and, yeah, that was -- it was broadly</p> <p>2 about the case. Walked me through it a little from the</p> <p>3 perspective of Hospice of Michigan.</p> <p>4 Q. Okay. So, sitting here today, what do you understand,</p> <p>5 broadly speaking, the case is about?</p> <p>6 A. My understanding is that Mr. Parry felt that he was</p> <p>7 wrongfully released from Hospice of Michigan. And I</p> <p>8 gather that there's two very different versions of that,</p> <p>9 and Mr. Parry is bringing a case that he was wrongfully</p> <p>10 fired.</p> <p>11 Q. Okay. So, we can presume Parry's position is, you know,</p> <p>12 "I was a good employee and didn't deserve it."</p> <p>13 What is the other version to the extent that you</p> <p>14 understand it?</p> <p>15 A. What -- from reading -- mostly from reading the</p> <p>16 document -- documentation, you know, from the</p> <p>17 deposition, I got the sense that they felt he was --</p> <p>18 acted incorrectly and wasn't -- his behavior was not</p> <p>19 appropriate, and -- and -- and he was fired for that</p> <p>20 reason.</p> <p>21 Q. Okay. Did you ever meet with Greg Parry?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Okay.</p> <p>24 A. We're both nodding no.</p> <p>25 Q. Okay. There was a -- a meeting in about June of 2021</p> |
| <p style="text-align: right;">Page 23</p> <p>1 Brian, do you remember if you gave that to me?</p> <p>2 MR. MCGORISK: I didn't send it.</p> <p>3 A. I don't think I did. I saw the Complaint, but I -- I</p> <p>4 don't think I saw his deposition.</p> <p>5 No. I -- I didn't.</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. Okay.</p> <p>8 A. Sorry.</p> <p>9 MR. PARRY: I'm not offended.</p> <p>10 A. I'm sure it would make great reading.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. And then Mr. Deromedi, at the end of the table here,</p> <p>13 when did you first meet him?</p> <p>14 It could be a phone call or -- but I don't mean</p> <p>15 only in person, but when did you first meet him?</p> <p>16 A. So, there was a conversation, maybe a month ago, that</p> <p>17 I -- I met with him with -- yeah.</p> <p>18 Q. Okay. And then relative to that conversation, like you</p> <p>19 did with the depositions, did you have any notes that</p> <p>20 you kept from -- from that -- that conversation?</p> <p>21 A. I don't think I took notes.</p> <p>22 Q. Okay. And what did you -- what -- what kinds of things</p> <p>23 did Mr. Deromedi either ask you about or did you share</p> <p>24 with him?</p> <p>25 A. He gave me an understanding of what he thought the case</p> | <p style="text-align: right;">Page 25</p> <p>1 that was scheduled to meet with Patrick and meet Greg</p> <p>2 Parry.</p> <p>3 Do you remember any talk about that or the</p> <p>4 possibility of meeting with HOM's in-house lawyer?</p> <p>5 A. No, I don't think so.</p> <p>6 Q. Okay. All right.</p> <p>7 So, let's look back a little bit.</p> <p>8 I know I mentioned that you -- you used to work at</p> <p>9 Hospice of Michigan.</p> <p>10 Did you begin working at Hospice of Michigan for</p> <p>11 the first time in 1992?</p> <p>12 A. Seems right. I -- I wouldn't nail it exactly but sounds</p> <p>13 right.</p> <p>14 Q. Early nineties?</p> <p>15 A. Yeah. Early nineties, certainly.</p> <p>16 Q. Okay. And what -- where -- did you have a job before</p> <p>17 that?</p> <p>18 Where did you come from?</p> <p>19 A. The job before that was -- I worked for a local Hebrew</p> <p>20 school, Yeshiva Beth Yehudah. I was the executive</p> <p>21 director. And -- you know, and I was the assistant</p> <p>22 executive director, then executive director. And --</p> <p>23 yeah.</p> <p>24 Q. Did you have any -- any hospice background before</p> <p>25 Hospice of Michigan employment?</p>                                                                                                                                                                            |



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| <p style="text-align: right;">Page 26</p> <p>1 A. Not hospice specifically, but I had a fair amount of</p> <p>2 knowledge of end-of-life issues, and it was a -- a</p> <p>3 significant part of my role in my administration of</p> <p>4 meeting with families. I was doing fundraising and</p> <p>5 outreach for -- for the school. So, I was -- certainly</p> <p>6 had a lot of funerals, and I was at a lot of Shiva</p> <p>7 practices, and I was -- had an inclination to -- and I</p> <p>8 think I served people well in -- in their bereavement,</p> <p>9 either prior to death or -- or their grief before death</p> <p>10 and after death.</p> <p>11 So, as -- in my rabbinic duties prior to working</p> <p>12 with Jewish Hospice, I had a close attachment with David</p> <p>13 Techner, who was the -- the owner of Ira Kaufman Chapel,</p> <p>14 which is a Jewish chapel in Southfield. And we</p> <p>15 actually -- when I left Yeshiva Beth Yehudah, my first</p> <p>16 endeavor that I was involved in was a partnership with</p> <p>17 David Techner to open a chain of funeral homes, which</p> <p>18 took me deeply into that, the -- that -- the end-of-life</p> <p>19 sector of the world. And we traveled to a number of</p> <p>20 cities and worked to develop that -- that chain.</p> <p>21 It never got off the ground, but I spent six, eight</p> <p>22 months really delving into end of life.</p> <p>23 Yeah. That's -- so, that's -- that -- that sort of</p> <p>24 led -- David actually made the connection between</p> <p>25 Hospice of Michigan and me.</p> | <p style="text-align: right;">Page 28</p> <p>1 A. Uh-huh.</p> <p>2 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. Yeses and nos, if you can.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So, you -- when you stepped to part-time, did you</p> <p>7 change your title, or did you just keep the title?</p> <p>8 A. I relinquished -- to the best of my knowledge, I</p> <p>9 relinquished the title. I -- I'm not tracking my -- I</p> <p>10 couldn't tell you what my title is necessarily today.</p> <p>11 I -- I don't track my titles.</p> <p>12 So, I know what my job was, but I couldn't tell you</p> <p>13 what the title was. I -- I'm not sure it was ever on a</p> <p>14 document.</p> <p>15 Q. Okay. So, when -- what year do you go to -- from</p> <p>16 full-time to less than full-time with Hospice of</p> <p>17 Michigan?</p> <p>18 A. Around 2001, something like that. 2000, 2001.</p> <p>19 Q. All right. Did the people at Hospice of Michigan</p> <p>20 understand that you were also developing and working on</p> <p>21 Jewish Hospice Chaplaincy Network?</p> <p>22 A. Very much so, yes.</p> <p>23 Q. Okay. And you founded the Chaplaincy Network; right?</p> <p>24 A. Uh-huh.</p> <p>25 THE REPORTER: I'm sorry. Is that "yes"?</p> |
| <p style="text-align: right;">Page 27</p> <p>1 Q. Okay. And do you remember your title when you come into</p> <p>2 Hospice of Michigan?</p> <p>3 A. I was the Director of Jewish Hospice Services. It was</p> <p>4 my primary role. I was in an administrative position,</p> <p>5 and my -- the key element of my job was -- Hospice of</p> <p>6 Michigan felt that they could do a much, much better job</p> <p>7 in servicing the Jewish community. And they engaged me</p> <p>8 to do that. And I ended up in a substantial fundraising</p> <p>9 position and event coordinators, you know, related to</p> <p>10 the Jewish community. And that's -- you know, that's --</p> <p>11 Q. In the course of fundraising, are you marketing the</p> <p>12 positive aspects of HOM to the Jewish community in that</p> <p>13 role?</p> <p>14 A. As -- at what -- as I was employed fully at -- at --</p> <p>15 Q. Yeah. As the Director of Jewish Hospice Services.</p> <p>16 A. Yeah.</p> <p>17 Q. Yeah.</p> <p>18 A. Yeah.</p> <p>19 Q. And then do you keep that title as long as you remained</p> <p>20 a formal employee of Hospice of Michigan?</p> <p>21 A. A full-time employee, yeah.</p> <p>22 Q. Okay. And was it full-time when you started?</p> <p>23 A. Yes.</p> <p>24 Q. And then you ended and it wasn't full-time; right?</p> <p>25 There was a step down to part-time?</p>                                                                                                                                                                                                       | <p style="text-align: right;">Page 29</p> <p>1 MR. MCGORISK: "Yes"?</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. "Yes"?</p> <p>4 A. Yes.</p> <p>5 I'm sorry.</p> <p>6 Q. Everyone is going to jump on you, but we'll try not</p> <p>7 to --</p> <p>8 A. I got it. I got it. We're good.</p> <p>9 Q. Okay. So, you founded it.</p> <p>10 When did -- what year?</p> <p>11 A. I believe it was in 2000.</p> <p>12 Yeah, I think so. 2000.</p> <p>13 Q. Okay. So, when you -- when do you stop receiving a W-2</p> <p>14 and being a formal employee of Hospice of Michigan?</p> <p>15 A. I believe that it was about 2010 that I stopped becoming</p> <p>16 an employee.</p> <p>17 Q. Okay.</p> <p>18 A. I -- but I -- go ahead. Ask.</p> <p>19 Q. I didn't mean to interrupt. I'm sorry.</p> <p>20 A. No. No. That's -- I'm good.</p> <p>21 Q. Okay. Was there some aspect of employment that was</p> <p>22 different from 2000 to 2010 other than just that you</p> <p>23 were part-time?</p> <p>24 A. Well, I didn't receive any benefits after that.</p> <p>25 Q. After 2000, when you went part-time?</p>                                                                                                                                                                                 |



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| <p style="text-align: right;">Page 30</p> <p>1 A. Right.</p> <p>2 And so -- so, any of my benefits and -- but I was</p> <p>3 still receiving a W-2, I believe.</p> <p>4 Q. That makes sense.</p> <p>5 Were you working about half time or was it less?</p> <p>6 A. That's very hard to determine how much, what part of my</p> <p>7 life, but when I started, most of the people I was --</p> <p>8 the people that I was working with, the patients that I</p> <p>9 was working with, many of them are Hospice of Michigan</p> <p>10 patients. And I was devoting a lot of time to that.</p> <p>11 And it was a big bulk of my patients at that time.</p> <p>12 So, I was continuing to service the patients that</p> <p>13 were there.</p> <p>14 Q. Okay. Did you serve as a spiritual care advisor at</p> <p>15 Hospice of Michigan at any time?</p> <p>16 A. That was -- that was always part of my responsibilities.</p> <p>17 Q. Who else at Hospice of Michigan is a spiritual care</p> <p>18 advisor that you know that is of the Jewish faith?</p> <p>19 A. I don't know. I don't -- I don't recall any.</p> <p>20 Q. Okay. So, for example, when you become the Director of</p> <p>21 Jewish Hospice Services and you want to -- you said</p> <p>22 Hospice of Michigan felt that they need to do more with</p> <p>23 the Jewish community, there's no spiritual care advising</p> <p>24 from people who --</p> <p>25 A. Other than me.</p> | <p style="text-align: right;">Page 32</p> <p>1 Q. -- have known -- known about --</p> <p>2 A. In spiritual care.</p> <p>3 Q. In spiritual care?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Yeses and nos, if you can.</p> <p>6 A. Yes.</p> <p>7 Q. But you made the point that there have been, over the</p> <p>8 years, many rabbis who weren't employees, who did</p> <p>9 provide service to Hospice of Michigan patients?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. When you leave Hospice of Michigan as an employee</p> <p>12 in 2010, who was your main point of contact or your main</p> <p>13 person that you worked out your next relationship with?</p> <p>14 A. In 2010?</p> <p>15 Not in the early stages of the transition.</p> <p>16 Q. When you finally do separate, yeah.</p> <p>17 A. Okay. When -- but I stay as an employee in 2010 or I --</p> <p>18 say -- stay working for them.</p> <p>19 Q. Fair. I mean, you just made the point that there are</p> <p>20 people who were employed; right? They -- they go there</p> <p>21 everyday. They serve patients whether they're connected</p> <p>22 to JHCN or not. They have supervisors. They have</p> <p>23 whatever training and onboarding through HOM. That's</p> <p>24 what I'm calling an employee.</p> <p>25 A. Uh-huh.</p> |
| <p style="text-align: right;">Page 31</p> <p>1 Q. -- are of the faith; right? Other than you?</p> <p>2 A. No. There were other spiritual caregivers, of course.</p> <p>3 Q. Sure.</p> <p>4 A. But in -- from the Jewish faith was your question.</p> <p>5 Q. Right.</p> <p>6 A. And I think -- I'm pretty sure I was the only one.</p> <p>7 Q. And all the way up until today, as far as you know,</p> <p>8 which, you know, I can only test what you know. As far</p> <p>9 as you know, there's no other spiritual care advisors</p> <p>10 that have worked at Hospice of Michigan?</p> <p>11 A. I will clarify your question.</p> <p>12 Q. Okay.</p> <p>13 A. Or I -- I would clarify.</p> <p>14 That's employed.</p> <p>15 There are many rabbis that serve patients at</p> <p>16 Hospice of Michigan. So, they're Jewish and serving</p> <p>17 them. They're -- they're Jewish, but there -- there's</p> <p>18 no one on the payroll.</p> <p>19 Q. Okay. So, you're making the distinction between people</p> <p>20 who are formal employees and they've been onboarded and</p> <p>21 they have a personnel file and they're supervised by</p> <p>22 Hospice of Michigan?</p> <p>23 A. Uh-huh.</p> <p>24 Q. There's no Jewish people other than you that you --</p> <p>25 A. I didn't say --</p>                                                                                                                                                 | <p style="text-align: right;">Page 33</p> <p>1 Q. Is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. But could you re-state your question?</p> <p>5 Q. Okay. So, but we understand when I'm talking about an</p> <p>6 employee, I mean somebody who has all those qualities;</p> <p>7 right? That they -- they go to work at Hospice of</p> <p>8 Michigan. They're paid as a W-2. They're supervised.</p> <p>9 They're trained.</p> <p>10 Are we on the same page that that's what I mean by</p> <p>11 an -- an employee?</p> <p>12 A. I don't believe there was anyone that was employed other</p> <p>13 than my role.</p> <p>14 Q. Okay. But are -- okay.</p> <p>15 As of 2010, you stop being someone who gets a W-2</p> <p>16 and benefits and --</p> <p>17 A. I didn't get benefits before that.</p> <p>18 Q. Just -- just let me finish.</p> <p>19 Fair enough.</p> <p>20 As of 2002, you stop being paid a salary on a W-2</p> <p>21 and having a supervisor at Hospice of Michigan and</p> <p>22 having, you know, the -- the place to work and all of</p> <p>23 that; right?</p> <p>24 A. No.</p> <p>25 Q. No. Okay.</p>                                                                                                                                                 |

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| <p style="text-align: right;">Page 34</p> <p>1 Who, at Hospice of Michigan, was your supervisor</p> <p>2 after 2010?</p> <p>3 A. I believe it was Dottie Deremo.</p> <p>4 Q. Okay.</p> <p>5 A. Might I offer --</p> <p>6 Q. Sure.</p> <p>7 A. -- a little --</p> <p>8 Q. If you want to clarify.</p> <p>9 A. -- explanation for my hesitancy?</p> <p>10 Q. Sure.</p> <p>11 A. When I transferred from employee and getting a -- a W-2</p> <p>12 to a 1099, there was no change in my relationships to --</p> <p>13 in Hospice of Michigan. Nothing changed. I was in the</p> <p>14 same position. For some reason, that I'm not fully</p> <p>15 clear about, they wanted to change my position from a --</p> <p>16 from a W-2 to a 1099.</p> <p>17 There was nothing about who I responded to or what</p> <p>18 I did or how I did it and how I achieved the goals of</p> <p>19 taking care of our Jewish patients and getting them the</p> <p>20 best care possible at that point.</p> <p>21 Q. Okay.</p> <p>22 A. I couldn't identify anything.</p> <p>23 Q. Okay. So, who -- who was your immediate boss in 2009?</p> <p>24 A. It was Dottie, I believe.</p> <p>25 Q. Okay.</p> | <p style="text-align: right;">Page 36</p> <p>1 by Hospice of Michigan?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay.</p> <p>4 A. But it -- it went on for some time.</p> <p>5 Q. Okay. You think it went on past 2010?</p> <p>6 A. I couldn't accurately tell you that.</p> <p>7 Q. Okay. So, just trying to map out the changes -- and</p> <p>8 you've pointed out the benefits go away --</p> <p>9 A. When?</p> <p>10 Q. In 2001 or 2000ish?</p> <p>11 A. Yeah. Right.</p> <p>12 Q. Okay. So, the benefits go away. You go part-time, and</p> <p>13 then the next -- another change that happened was going</p> <p>14 from W-2 to a 1099; right? That happened in 2010?</p> <p>15 A. Could you repeat?</p> <p>16 Q. Another thing that changed for you relative to Hospice</p> <p>17 of Michigan is that you went from a W-2 to a 1099-style</p> <p>18 reporting in 2010?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Sometime in -- sometime, you don't know, you stop</p> <p>21 attending the mandated trainings or getting the training</p> <p>22 modules that the other HOM employees are getting; right?</p> <p>23 A. I will say that I didn't stop. I don't recall when I</p> <p>24 stopped.</p> <p>25 I mean, I was required to get a flu shot and other</p>                                                                                                                                                                                |
| <p style="text-align: right;">Page 35</p> <p>1 A. It was Dottie.</p> <p>2 Q. Okay. You reported to Dottie?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Did you get annual evaluations from Dottie?</p> <p>5 A. Not that I recall.</p> <p>6 She might have made evaluations, but it wasn't a</p> <p>7 formal process.</p> <p>8 Q. Okay. Did you have modules that you had to complete</p> <p>9 annually? Training modules?</p> <p>10 A. Yeah. Like if you're talking about HIPAA or -- or other</p> <p>11 regul- -- regulatory things, I was mandated to go to</p> <p>12 these -- the sessions that were required, fire</p> <p>13 protection and all kinds --</p> <p>14 THE REPORTER: I'm sorry. "--- required --"</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. "Fire protection"? Is that what you said?</p> <p>17 A. Fire protection.</p> <p>18 THE REPORTER: Thank you.</p> <p>19 A. And -- and, you know, emergency interventions and a</p> <p>20 whole bunch of stuff.</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. Okay.</p> <p>23 A. But --</p> <p>24 Q. When was the last time that you completed a set of</p> <p>25 computer modules on training that was promulgated to you</p>          | <p style="text-align: right;">Page 37</p> <p>1 medical things that were required. So -- and I -- I</p> <p>2 don't know when I stopped doing these modules.</p> <p>3 Q. Okay. But you couldn't testify that you've -- you've</p> <p>4 done a module in the last decade from Hospice of</p> <p>5 Michigan; correct?</p> <p>6 A. I could not state that as -- as a certainty, for sure.</p> <p>7 Q. Okay. And Dottie eventually leaves.</p> <p>8 Did you consider yourself to be someone who</p> <p>9 reported as a supervisee to anyone at -- at Hospice of</p> <p>10 Michigan after she left?</p> <p>11 A. Sort of in an informal way.</p> <p>12 Q. Okay.</p> <p>13 A. We had -- I had regular meetings with Patrick Miller,</p> <p>14 and we would be ironing out problems, you know, or many,</p> <p>15 many conversations with myself and our team that focused</p> <p>16 on getting the best possible care for our -- our</p> <p>17 patients.</p> <p>18 Q. You don't think of yourself -- you didn't think of</p> <p>19 yourself as a Hospice of Michigan employee after 2010,</p> <p>20 did you?</p> <p>21 A. I thought that -- that I was a part-time employee, and I</p> <p>22 had obligations to meet, and I met those obligations</p> <p>23 continuously. And I didn't see -- look at it as any</p> <p>24 significant change. I thought it was a technical thing</p> <p>25 that they wanted to do for their bookkeeping purposes or</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 regulatory purposes. I had no idea. And I don't recall</p> <p>2 any serious conversations about anything changing.</p> <p>3 Q. Ever? Like up until today?</p> <p>4 A. Ever, yeah.</p> <p>5 Q. Same today? You think there are --</p> <p>6 A. Through 2022.</p> <p>7 Q. Okay.</p> <p>8 A. Through '22, yeah.</p> <p>9 Q. Through '22?</p> <p>10 A. 2022, yeah.</p> <p>11 Q. Okay. So, how often did you -- did you have any login</p> <p>12 credentials to use any Hospice of Michigan systems after</p> <p>13 2010?</p> <p>14 A. I had a badge to enter the premises.</p> <p>15 Q. Okay.</p> <p>16 A. I attended the IDGs and --</p> <p>17 THE REPORTER: "-- attended the --"?</p> <p>18 A. The IDGs, which means team meetings.</p> <p>19 THE REPORTER: Thank you.</p> <p>20 A. I attended weekly team meetings and reviewed all the</p> <p>21 Jewish patients, and -- and I was available for calls</p> <p>22 any time, 24/7 --</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Okay. My question was different.</p> <p>25 A. -- 24/6.</p>                                                                                                                                                                                                                                                                                                                                                        | <p style="text-align: right;">Page 40</p> <p>1 Q. I'm asking a different question.</p> <p>2 A. Please.</p> <p>3 Q. Which is whether you had -- how much you used or didn't</p> <p>4 use is different from whether you had access.</p> <p>5 Do you know whether you had a Hospice of Michigan</p> <p>6 e-mail address in 2000 or 2001 or '02?</p> <p>7 A. I'm presuming that I did.</p> <p>8 Well, I had when I was a full employee -- a</p> <p>9 full-time employee.</p> <p>10 Q. Right.</p> <p>11 A. And I don't recall having used -- and this is my answer.</p> <p>12 I don't recall having used. I can't tell you if I had</p> <p>13 one or I didn't have one.</p> <p>14 Q. Okay.</p> <p>15 A. Okay?</p> <p>16 But I don't recall having used. And a memory of</p> <p>17 over some 22 years or so is -- is -- is not going to be</p> <p>18 really accurate. I'll make that disclaimer.</p> <p>19 Q. Sure.</p> <p>20 Do you -- did you represent yourself to the</p> <p>21 community after 2010 as a representative of Hospice of</p> <p>22 Michigan, an agent, an employee of?</p> <p>23 A. No.</p> <p>24 Q. Okay. But you were one?</p> <p>25 A. I was.</p>                                                                                                                                           |
| <p style="text-align: right;">Page 39</p> <p>1 Q. Just to clarify, my question was whether you had any</p> <p>2 login credentials to log in to any Hospice of Michigan</p> <p>3 system after 2010?</p> <p>4 A. May I answer it in the following way?</p> <p>5 I had -- whatever I had in 2002 continued until</p> <p>6 '22, for twenty years, and none of my practices changed.</p> <p>7 So, I was an -- an efficient chronicler of my</p> <p>8 visits at -- you know, in terms of a written component,</p> <p>9 but I did faithfully attend all the IDGs and went</p> <p>10 through every single patient, I mean, aside from if I</p> <p>11 was sick or holiday or whatever it might be.</p> <p>12 But I attended regularly. I saw that as my</p> <p>13 responsibility. And I saw it as my responsibility to</p> <p>14 stay knowledgeable about all the patients and make sure</p> <p>15 that we assigned the appropriate personnel to those</p> <p>16 people. And that never changed. I never -- and I</p> <p>17 never -- I won't say "never," but I didn't do written</p> <p>18 reports on these patients.</p> <p>19 Q. Did you have an e-mail address with Hospice of Michigan?</p> <p>20 A. No, never did.</p> <p>21 Q. Okay.</p> <p>22 A. I -- I mean --</p> <p>23 Q. So, you were the director?</p> <p>24 A. After I was -- after I was a full-time employee in 2001,</p> <p>25 I never used a -- a Hospice of Michigan e-mail.</p> | <p style="text-align: right;">Page 41</p> <p>1 Q. So, did you represent its interests after 2010?</p> <p>2 A. Just as I would all the other hospices that I worked</p> <p>3 with.</p> <p>4 Q. Okay. Where else -- what other hospices did you work</p> <p>5 for?</p> <p>6 A. About 16.</p> <p>7 Do you want the -- the name of them all?</p> <p>8 Q. Sure.</p> <p>9 A. They might be in that book.</p> <p>10 Q. Okay. Which ones paid you?</p> <p>11 A. Just Hospice of Michigan. Now, they're -- that's --</p> <p>12 that needs a qualification.</p> <p>13 I was paid as a consultant for national firms --</p> <p>14 firm, a firm who also had local offices. And I was a</p> <p>15 national consultant for helping them develop</p> <p>16 relationships in the communities where they were</p> <p>17 represented -- where they had offices.</p> <p>18 So, that's -- and I was paid as a consultant.</p> <p>19 And -- and that lasted for a long time beyond. And I</p> <p>20 couldn't tell you exactly when it started or exactly</p> <p>21 when it ended, but probably worked for them, I estimate,</p> <p>22 for about 15 years.</p> <p>23 Q. Okay. Did they have a hospice facility in Michigan</p> <p>24 or -- one or more?</p> <p>25 A. They -- well, they had a hospice -- I -- I don't think</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 they had an actual -- they had a full hospice operation</p> <p>2 with -- with a number of offices in the Detroit area.</p> <p>3 Q. What -- what company or affiliation?</p> <p>4 A. Seasons Hospice, which changed the name down the line.</p> <p>5 And --</p> <p>6 MR. MCGORISK: Seasons?</p> <p>7 THE WITNESS: Seasons is the name of the hospice.</p> <p>8 MR. MCGORISK: Like fall, winter, summer?</p> <p>9 THE WITNESS: Yeah. Yeah. Seasons, yes.</p> <p>10 MR. MCGORISK: Okay.</p> <p>11 A. They had numerous offices here and around the country,</p> <p>12 and the stip- -- you know --</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Okay. So, in places where you considered yourself to be</p> <p>15 an employee -- like if we picked the year 2019, you</p> <p>16 consider yourself to be an employee of Hospice of</p> <p>17 Michigan?</p> <p>18 A. Yes. I mean, I was listed as a consultant, and I</p> <p>19 consider myself -- when they changed it to consultant --</p> <p>20 consultant somewhere along the line, I -- I didn't look</p> <p>21 at myself as an employee, but a consultant --</p> <p>22 Q. I --</p> <p>23 A. -- with specific responsibilities.</p> <p>24 Q. Yeah. And I'm asking you not about the words on the</p> <p>25 paper but what you -- how you considered yourself;</p> | <p style="text-align: right;">Page 44</p> <p>1 Q. Yeah.</p> <p>2 So, I want to understand, did people at Hospice of</p> <p>3 Michigan who were in management, that were in charge of</p> <p>4 running the place, did they understand that you had dual</p> <p>5 employment?</p> <p>6 MR. MCGORISK: Let me just object. That -- there's</p> <p>7 no foundation that he can testify about somebody else's</p> <p>8 understanding.</p> <p>9 MS. PRESCOTT: Okay.</p> <p>10 BY MS. PRESCOTT:</p> <p>11 Q. I'll take an answer.</p> <p>12 MR. MCGORISK: You can ask him whether there were</p> <p>13 statements made by other people that would give rise to</p> <p>14 his -- to knowing that they understood, but he can't</p> <p>15 tell what was on somebody else's mind.</p> <p>16 MS. PRESCOTT: I was -- I was simplifying the</p> <p>17 question because he asked me to. I asked it that way at</p> <p>18 first.</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. All right. So, the people who were in charge at Hospice</p> <p>21 of Michigan, the CEO, the COO, the CFO -- the C suite,</p> <p>22 okay -- did they know that you worked at Hospice of</p> <p>23 Michigan at the same time as you worked for and were</p> <p>24 paid by JHCN, as far as you know?</p> <p>25 A. Okay. So, you're asking me to presume who knew?</p> |
| <p style="text-align: right;">Page 43</p> <p>1 right?</p> <p>2 A. Thank you.</p> <p>3 Q. Because that's what we're here for today.</p> <p>4 So, you considered yourself an employee of Hospice</p> <p>5 of Michigan until 2022?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then did you -- you considered yourself a</p> <p>8 consultant or an employee of the Seasons Hospice entity?</p> <p>9 A. I clearly saw myself as a consultant for -- specifically</p> <p>10 for their offices around the -- the country but not for</p> <p>11 their local.</p> <p>12 Q. Okay. And then -- and then are there other hospices</p> <p>13 that you considered yourself working for or employed by?</p> <p>14 A. No.</p> <p>15 Q. Okay. So, were there other people that -- so, let me</p> <p>16 ask it this way: When you were, in your mind, working</p> <p>17 for -- employed by Hospice of Michigan, did they</p> <p>18 understand, based on your exchanges with them, that you</p> <p>19 were also employed by Jewish Hospice Chaplaincy Network?</p> <p>20 A. Who is "they"?</p> <p>21 Q. The people at Hospice of Michigan, the -- the C suite.</p> <p>22 A. The C suite?</p> <p>23 Q. Yeah.</p> <p>24 A. Did they understand -- could you specify the question</p> <p>25 again?</p>                                                                                | <p style="text-align: right;">Page 45</p> <p>1 Q. No. I'm asking you what you know.</p> <p>2 Did they talk to you and act toward --</p> <p>3 A. Well --</p> <p>4 Q. -- you like they knew you worked at JHCN?</p> <p>5 A. Well, there were certain people that definitely knew</p> <p>6 about it, the team. Generally speaking -- first of all,</p> <p>7 it was -- the COO knew and the COO knew, and the --</p> <p>8 the -- I'm not sure who else --</p> <p>9 Q. Fair.</p> <p>10 A. -- knew.</p> <p>11 But I know that the team leaders knew that I was</p> <p>12 a -- engaged. And I don't think anyone distinguished,</p> <p>13 that I know of, other than the -- the -- Patrick and --</p> <p>14 and Bob, you know, recent time. Certainly Dottie</p> <p>15 Deremo, as the head, knew it, you know, but the team</p> <p>16 leaders knew that I was -- I'm assuming knew that I was</p> <p>17 a -- a dual employee.</p> <p>18 Q. Let me ask it this way.</p> <p>19 Did you ever hide from people or trick people into</p> <p>20 believing that you were only an employee of Hospice of</p> <p>21 Michigan?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. Okay.</p> <p>24 A. I was only -- no. I don't. Not --</p> <p>25 Q. Right. That -- that --</p>                                                                   |

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| <p style="text-align: right;">Page 46</p> <p>1 A. Yeah. No, I don't -- I don't think people assumed --</p> <p>2 Q. -- "I don't work for JHCN" --</p> <p>3 THE REPORTER: I'm sorry, guys. One at a time.</p> <p>4 Sorry.</p> <p>5 BY MS. PRESCOTT:</p> <p>6 Q. "I don't work for JHCN. I only work for you, Hospice of</p> <p>7 Michigan?"</p> <p>8 A. Oh, No.</p> <p>9 Q. Did you ever act like that?</p> <p>10 A. No.</p> <p>11 Q. To the contrary, it was clear from your behavior and</p> <p>12 your conduct and your title and things that you were</p> <p>13 engaged with --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- in conjunction with Hospice of Michigan, that you</p> <p>16 were the leader of JHCN; right?</p> <p>17 A. Correct.</p> <p>18 Q. Of course. But you saw in Patrick Miller's deposition</p> <p>19 where he said he was very confused and had no idea that</p> <p>20 Natalie Miller(sic) worked for JHCN? Did you see that</p> <p>21 part?</p> <p>22 MR. DEROMEDI: I don't think --</p> <p>23 MR. MCGORISK: Natalie Miller?</p> <p>24 MR. PARRY: Rosenfield.</p> <p>25 A. Natalie --</p>                                                                         | <p style="text-align: right;">Page 48</p> <p>1 A. Repeatedly, yes. Regularly, yes.</p> <p>2 Q. And if he tries to claim that Natalie or you misled him</p> <p>3 or hid something from him about the nature of her</p> <p>4 involvement with JHCN, would you disagree with that and</p> <p>5 dispute that as untrue?</p> <p>6 A. Could you ask the question again?</p> <p>7 Q. Sure.</p> <p>8 If he -- we don't know what he's going to say</p> <p>9 someday in trial.</p> <p>10 A. Uh-huh. Uh-huh.</p> <p>11 Q. But if he testifies that you or Ms. Miller did something</p> <p>12 to hide --</p> <p>13 MR. DEROMEDI: Rosenfield?</p> <p>14 MR. PARRY: Rosenfield?</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. -- the truth --</p> <p>17 A. The name --</p> <p>18 Q. Ms. -- Ms. Rosenfield. We're going to have to ask it a</p> <p>19 third time.</p> <p>20 If -- if Miller later says that you or Natalie</p> <p>21 Rosenfield hid or distorted the truth of her true</p> <p>22 relationship with JHCN, am I correct that you would say,</p> <p>23 "We did not. That's untrue. We didn't do that"?</p> <p>24 A. Well, I could -- I can't testify what his -- was in his</p> <p>25 mind.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 MR. MCGORISK: Rosenfield.</p> <p>2 MS. PRESCOTT: That was a case from about 15 years</p> <p>3 ago.</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Natalie Rosenfield. I'm so sorry.</p> <p>6 A. Okay.</p> <p>7 MS. PRESCOTT: Because we have a Patrick Miller.</p> <p>8 A. Okay.</p> <p>9 BY MS. PRESCOTT:</p> <p>10 Q. Did you see where Patrick Miller -- he -- his</p> <p>11 deposition, he claimed he did not know that Natalie</p> <p>12 worked for JHCN?</p> <p>13 A. The answer is yes, I saw.</p> <p>14 Q. And what's your reaction to that?</p> <p>15 A. There's a number of options.</p> <p>16 But my reaction is that it -- that can't be the</p> <p>17 truth.</p> <p>18 Q. And you're chuckling.</p> <p>19 Why? I mean, you're -- it's because you can't</p> <p>20 believe it, right, that he would say that under oath?</p> <p>21 A. And I think earlier I said to you there were a lot of</p> <p>22 things that I was -- you asked me a question.</p> <p>23 Was I surprised? That was a big surprise.</p> <p>24 Q. Because Patrick Miller interacted with you and Natalie</p> <p>25 on JHCN business regularly, did he not?</p> | <p style="text-align: right;">Page 49</p> <p>1 Q. Fair.</p> <p>2 A. But I could testify what was in my mind, and I'm pretty</p> <p>3 sure I can speak for Natalie on this subject because</p> <p>4 we've had multiple discussions based on the deposition</p> <p>5 we saw, that we know we never presented anything like</p> <p>6 that in any way that we were aware of.</p> <p>7 Q. That she didn't work for JHCN and that she was solely an</p> <p>8 HOM employee, you never led -- led Patrick to believe</p> <p>9 that; correct?</p> <p>10 A. Correct.</p> <p>11 MR. HERSCHFUS: This may be a good -- it's 10:30.</p> <p>12 So --</p> <p>13 MS. PRESCOTT: Okay.</p> <p>14 (Short recess at 10:30 a.m.)</p> <p>15 * * *</p> <p>16 (Record resumed at 10:49 a.m.)</p> <p>17 (Mr. Herschfus is not present</p> <p>18 after the break.)</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. All right. When we left off, we were talking about your</p> <p>21 relationship with HOM in the years 2000 to 2010.</p> <p>22 Are you drawing pay of any kind from JHCN before</p> <p>23 2010?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And did you get your benefits from JHCN in that</p>                   |

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| <p style="text-align: right;">Page 50</p> <p>1 time frame, too?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. One of the things Patrick Miller tells my client</p> <p>4 at some point is that there's a falling out between you</p> <p>5 and Dottie Deremo in the early two thousands and that</p> <p>6 she went on an apology tour.</p> <p>7 Does that ring a bell to you?</p> <p>8 A. That fits into my memory.</p> <p>9 Q. What -- what was the falling out?</p> <p>10 A. As she explained it in her "apology tour," as you call</p> <p>11 it, she felt there was someone -- some particular person</p> <p>12 in the agency that was steering her wrong, and this</p> <p>13 lady, as she described it -- as Dottie described it --</p> <p>14 was like a borderline personality, and she needed to get</p> <p>15 a protective order from her eventually.</p> <p>16 I mean, this is as she reported to me.</p> <p>17 And she apologized that, because of this lady,</p> <p>18 before she understood how, you know, mendacious she was,</p> <p>19 she was led to believe by that lady that -- that --</p> <p>20 that -- that I was dishonest or whatever, bad-mouthing</p> <p>21 me and many other people.</p> <p>22 When we call this an "apology tour," it was</p> <p>23 mainly -- as far as I know, it was about that particular</p> <p>24 person steering her wrong and she had suspicious</p> <p>25 approach and attitude towards me for a certain amount of</p> | <p style="text-align: right;">Page 52</p> <p>1 made a big apology to me. It was essentially not -- not</p> <p>2 a very essential or -- kind of thing.</p> <p>3 Q. What were you accused of doing that was bad-mouthing</p> <p>4 you? What was the bad-mouthing?</p> <p>5 A. I don't know.</p> <p>6 Q. Well, what had Dottie said to you that --</p> <p>7 A. She didn't --</p> <p>8 Q. -- under the influence of this other person?</p> <p>9 A. Yeah. So, she -- she came to me and said, you know, "I</p> <p>10 wasn't kind to you and I was suspicious of you," and</p> <p>11 this and that. And I wasn't interested in knowing what</p> <p>12 this lady said.</p> <p>13 The lady was -- that was --</p> <p>14 Q. How had --</p> <p>15 A. She -- she had bad-mouthed a lot of people, and there</p> <p>16 was some kind of incident with her and Dottie that</p> <p>17 triggered a whole lot of mess in the organization for a</p> <p>18 period -- to my -- the best of my knowledge.</p> <p>19 I wasn't privy to a whole lot of things but I --</p> <p>20 there was -- there was -- Dottie was on some level at</p> <p>21 that point being untoward, you know. But --</p> <p>22 Q. Dottie was not kind to you, how?</p> <p>23 A. I would assess it this way, and this is just, you know,</p> <p>24 emotional and feeling kind of things that I -- that I</p> <p>25 felt.</p>                                                                                                                                                |
| <p style="text-align: right;">Page 51</p> <p>1 time.</p> <p>2 Whether that was true or not, I don't remember that</p> <p>3 being the significant thing to me that she was -- you</p> <p>4 know, that Dottie was reacting tough -- I mean -- and</p> <p>5 I -- you know, it -- it wasn't like there was a</p> <p>6 breakdown in our relationship. But, as I described, you</p> <p>7 know, she thought she wasn't being kindly towards me,</p> <p>8 and she came to apologize. And that was before she left</p> <p>9 Hospice of Michigan, and we -- we have been fine since</p> <p>10 then.</p> <p>11 Q. Were you an employee, at the time, working full-time, or</p> <p>12 were you part-time by then?</p> <p>13 A. I was -- when she did the apology tour?</p> <p>14 Q. Yeah.</p> <p>15 A. Or -- or when this -- these incidents happened?</p> <p>16 Q. Well, how far apart was the apology from the incident?</p> <p>17 A. Well, quite some -- it was --</p> <p>18 Q. It was a year?</p> <p>19 A. It was -- I think, you know, as Dottie explained to me,</p> <p>20 she was sort of doing a life review on the stuff that</p> <p>21 had happened, and she wanted to clear the table with any</p> <p>22 of the people that she might have been misguided by --</p> <p>23 by this other woman.</p> <p>24 So, she came to my office and she made a big deal</p> <p>25 out of it. She wants to make an appointment and then</p>                               | <p style="text-align: right;">Page 53</p> <p>1 So, I don't have a lot of specifics in my memory</p> <p>2 about this, but here is what I think was going on.</p> <p>3 The leader before Dottie was a woman named Carolyn</p> <p>4 Cassin. And we had a very lovely relationship, and she</p> <p>5 considered -- she used to call me her cowboy. She --</p> <p>6 she would say to me, "Just go out and do your thing and</p> <p>7 create a lot of goodwill in the community for us, and</p> <p>8 I'm satisfied."</p> <p>9 And that was a -- set a pattern where I didn't take</p> <p>10 reporting on patients seriously, and -- and I was doing</p> <p>11 a lot of things for HOM that was very beneficial to</p> <p>12 them, growing census, all kinds of things, fundraising,</p> <p>13 and I -- I helped get a building built and -- and she</p> <p>14 just said, "Bunny, you do your thing. I'll run</p> <p>15 protection for you."</p> <p>16 I could say that Dottie's relationship for a while</p> <p>17 was almost the opposite.</p> <p>18 "Where are you? When are you going?" You know, at</p> <p>19 that time -- I'll give you a -- I -- now just came to my</p> <p>20 mind a good example.</p> <p>21 When Carolyn Cassin saw that I was helping -- what</p> <p>22 happened -- I mean, this is just anecdotal. What</p> <p>23 happened was, I became the renowned pastoral caregiver</p> <p>24 for the Jewish community for end of life. The -- the</p> <p>25 community didn't know -- and even the rabbis didn't</p> |



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| <p style="text-align: right;">Page 54</p> <p>1 understand there were different hospice organizations.</p> <p>2 They just knew hospice, and they really only knew</p> <p>3 because they only heard about Hospice of Michigan.</p> <p>4 So, a rabbi would call me up and say, you know,</p> <p>5 "I've got this patient, a hospice patient. Could you go</p> <p>6 see her?"</p> <p>7 Didn't know if it was Henry Ford, and I worked for</p> <p>8 Hospice of Michigan.</p> <p>9 So, it used to get me in trouble. I would respond</p> <p>10 and take care of those people because that was my</p> <p>11 mission in life, to help Jewish people go through this</p> <p>12 last part of their lives. And the -- the -- so, there</p> <p>13 was some employees at Hospice of Michigan, maybe this</p> <p>14 woman included, who said what's the guy running around,</p> <p>15 duplicitous, taking care of Henry Ford patients or</p> <p>16 Beaumont patients that were -- DMC, and he's a trader,</p> <p>17 or whatever he -- that she was calling me.</p> <p>18 So, Carolyn Cassin would tell me, "You just be my</p> <p>19 colleague. You get goodwill for our organization</p> <p>20 wherever you can, get us a good name, give us -- you</p> <p>21 know, make sure that whenever you go out, everybody</p> <p>22 knows you actually work for Hospice of Michigan" --</p> <p>23 that's what she said -- "and just go do it. You don't</p> <p>24 have to ask anyone permission. You're my cowboy."</p> <p>25 THE REPORTER: "-- you're my --?"</p> | <p style="text-align: right;">Page 56</p> <p>1 know, I know -- I could see her right now as I'm</p> <p>2 talking, but I don't remember her name.</p> <p>3 Q. She was an employee?</p> <p>4 A. Yeah. And she was higher up in the organization,</p> <p>5 probably like a VP level.</p> <p>6 Q. Was it Herro? Lynn Herro?</p> <p>7 MR. DEROMEDI: Terre.</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. Terre Herro?</p> <p>10 A. No. No.</p> <p>11 Q. Gloria Bunting?</p> <p>12 A. Do you know how far we're going back? We're back</p> <p>13 into -- this -- my narrative begins in 1992, and this</p> <p>14 happened somewhere along the line.</p> <p>15 Q. Well, Dot -- Dottie --</p> <p>16 A. Right when Dottie started.</p> <p>17 When did Dottie start? Does anyone in this room</p> <p>18 know?</p> <p>19 MR. MCGORISK: Well, you can't ask questions.</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. I don't know -- I don't know when Dottie starts.</p> <p>22 A. Yeah.</p> <p>23 Q. But when Dottie comes in, it's a different --</p> <p>24 A. Yeah. Different.</p> <p>25 Q. Suffice it to say, it's a different regime, and she is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p style="text-align: right;">Page 55</p> <p>1 A. And she didn't tell that to the employees.</p> <p>2 Cowboy.</p> <p>3 THE REPORTER: Thank you.</p> <p>4 A. Okay.</p> <p>5 And, "And you don't have to ask permission and</p> <p>6 don't worry about anything. I've got you covered."</p> <p>7 Dottie didn't take that kind of approach for a good</p> <p>8 period of time, and she was getting fed by this woman</p> <p>9 stuff about me.</p> <p>10 You know, that -- that I was here and I was there</p> <p>11 and I was -- well, how come I'm going out to this Jewish</p> <p>12 event. It has nothing to do with hospice.</p> <p>13 And so Dottie took that stuff seriously and was</p> <p>14 worried about the protocols and how come I'm not -- I'm</p> <p>15 helping other hospices or -- anyhow, but that got</p> <p>16 straightened out. And I never thought that was a big</p> <p>17 deal.</p> <p>18 So, much later, she came to apologize, and I</p> <p>19 thought it was a nothing burger.</p> <p>20 Nothing burger.</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. Who was the lady in the story, the internal person at</p> <p>23 the agency?</p> <p>24 A. I could say either I don't remember her name or I don't</p> <p>25 care, but I -- I don't remember her name. I -- you</p>                                                                                                                                                                                                                                                    | <p style="text-align: right;">Page 57</p> <p>1 sort of like, "I want you to account for where you are</p> <p>2 and which hospices you're helping, and I don't --" you</p> <p>3 know, like, "I don't like you going out into the</p> <p>4 community without it being specifically tied to HOM,"</p> <p>5 et cetera?</p> <p>6 A. So, this woman -- thought it was mendacious behavior. I</p> <p>7 was working behind everybody's back, and -- and it</p> <p>8 turned into an issue, and I never paid it much mind,</p> <p>9 because, frankly, I always saw my role from the</p> <p>10 beginning of my employment with Jewish -- with Hospice</p> <p>11 of Michigan and then my creation of Jewish Hospice and</p> <p>12 Chaplaincy Network, my goal was to serve as many Jewish</p> <p>13 people that found themselves in this place of end of</p> <p>14 life. And there was no spiritual care coming from the</p> <p>15 Jewish community until I got onboard with Hospice of</p> <p>16 Michigan. And -- and -- and I was seen as a god. And</p> <p>17 my mission in life was to get the best care possible for</p> <p>18 any Jewish person, regardless if they were on hospice or</p> <p>19 pre-hospice or before palliative care was even a thing,</p> <p>20 but -- and beyond into bereavement. So, I do that</p> <p>21 today. I did it then.</p> <p>22 Q. What -- what -- what did -- what was the job description</p> <p>23 of the Director of Jewish Hospice Services at HOM?</p> <p>24 A. There's a document in there that I prepared.</p> <p>25 Q. Okay.</p> |



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| <p style="text-align: right;">Page 58</p> <p>1 A. It was edited by Hospice of -- of Michigan staff, and --</p> <p>2 and it describes exactly what we do and how we do it,</p> <p>3 and this has -- on the top of it, it's a note from</p> <p>4 Dottie saying, "Bunny, this is an excellent presentation</p> <p>5 work."</p> <p>6 Now -- something about covering that -- what -- we</p> <p>7 met in the meeting. So, this -- yeah.</p> <p>8 Q. So -- so, the witness is holding yesterday's --</p> <p>9 Ms. Rosenfield's Dep Exhibit 1.</p> <p>10 But you're pointing to --</p> <p>11 A. That document, yes.</p> <p>12 Q. -- this document.</p> <p>13 So, let me mark it.</p> <p>14 Do you mind -- well, you can --</p> <p>15 A. Okay. Here. Here.</p> <p>16 MR. MCGORISK: Well, she's going to mark it. She's</p> <p>17 got a copy.</p> <p>18 A. Oh, okay. All right. Yes.</p> <p>19 (Deposition Exhibit 3 marked</p> <p>20 for identification.)</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. All right. I've handed you what I've marked as</p> <p>23 Exhibit 3. And if you want to hand this down, certainly</p> <p>24 David could look at it, too. It's marked in there, too.</p> <p>25 All right. So, is Exhibit 3 what you were just</p>                                                                                                                                                                                                                                                                                                                                                                   | <p style="text-align: right;">Page 60</p> <p>1 was dated by me 7-15-03 and effective date was June 01,</p> <p>2 2003. And it's -- this is what was written up as our</p> <p>3 agreement.</p> <p>4 Q. Okay. So, let's break that down a little bit.</p> <p>5 A. Uh-huh.</p> <p>6 MR. MCGORISK: "Yes"?</p> <p>7 "Yes"?</p> <p>8 A. Yes.</p> <p>9 BY MS. PRESCOTT:</p> <p>10 Q. All right. Okay. Who is -- who is Greg Grabowski?</p> <p>11 A. Greg Grabowski was someone that I worked very closely</p> <p>12 with for a number of years in that period.</p> <p>13 Q. It would -- was he with HOM?</p> <p>14 A. He was -- yeah. He was with HOM.</p> <p>15 And it might -- I think I have a note from him</p> <p>16 which -- yeah.</p> <p>17 There's a record of a meeting on March 6th, 2003,</p> <p>18 and this is -- the discussion ensued regarding the</p> <p>19 working relationship between Jewish Hospice Chaplaincy</p> <p>20 Network and Hospice of Michigan, history of the</p> <p>21 relationship, legal compliance issues, current status</p> <p>22 and future direction review, and then they have -- he</p> <p>23 has a list of all the things that we want to go through</p> <p>24 after that.</p> <p>25 So, this was based in March 2003. In June or July,</p> |
| <p style="text-align: right;">Page 59</p> <p>1 testifying lays out -- what does it lay out?</p> <p>2 A. Lay outs the proposal written by me that -- that</p> <p>3 describes what JHCN will do for -- which -- somewhere</p> <p>4 back in -- it's dated July 1, 2002, and it's describing</p> <p>5 all the services that we would do together and what a --</p> <p>6 a partnership would look like, and all the different --</p> <p>7 you know, different protocols we would use and -- yeah.</p> <p>8 And it was followed by a memo for -- from a fellow named</p> <p>9 Greg Grabowski that -- that what we have documentation</p> <p>10 of -- we don't have a record of -- of a meeting -- a</p> <p>11 subsequent meeting. But as I recall, there were</p> <p>12 numerous meetings to use this as the preliminary</p> <p>13 document.</p> <p>14 And then we made agreements on different parts</p> <p>15 beyond this, because this was my interpretation of what</p> <p>16 it looked like. And there were some emendations that</p> <p>17 I -- that I -- the only thing I have to -- a record of</p> <p>18 that is Mr. Grabowski's list of issues that we wanted to</p> <p>19 talk about at our next meetings.</p> <p>20 And I think I found a number of documents that went</p> <p>21 from 2002 to 2003 until a final agreement was reached.</p> <p>22 And that's as well in this section of documents. And we</p> <p>23 have a number of following -- okay. This is a --</p> <p>24 there's a -- the actual agreement that I believe</p> <p>25 followed my presentation and then a series of meetings</p> | <p style="text-align: right;">Page 61</p> <p>1 the agreement was signed.</p> <p>2 Q. Okay. So, this is part of -- you're pointing to the</p> <p>3 document in the Rosenfield Exhibit 1 --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- for the March memo?</p> <p>6 A. Might I add? And I --</p> <p>7 Q. And just real quick; is that right?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. What were you going to add?</p> <p>10 A. Well, I was just going to point -- point out a</p> <p>11 statement.</p> <p>12 It says in here that it was required by hospice</p> <p>13 conditions of participation that JHCN rabbis and</p> <p>14 volunteers must be Hospice of Michigan employees.</p> <p>15 Q. And do you know what that means?</p> <p>16 What are the conditions of participation?</p> <p>17 A. I was again -- condition -- oh, I don't know what</p> <p>18 conditions of -- hospice conditions of participations,</p> <p>19 if that means HOM requirements, regulations. I'm not</p> <p>20 sure.</p> <p>21 Q. Okay. All right. So --</p> <p>22 A. But, to me, it indicates that they wanted me on a salary</p> <p>23 because it was in their interests to keep me there,</p> <p>24 servicing their people.</p> <p>25 Q. And also keep you as an employee who got a W-2 and --</p>     |

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| <p style="text-align: right;">Page 62</p> <p>1 A. Right.</p> <p>2 Q. -- got their training modules --</p> <p>3 A. Yeah.</p> <p>4 Q. -- and was under their supervision; right?</p> <p>5 A. Yes.</p> <p>6 Q. All of that. Right.</p> <p>7 Okay. So, where we -- and you mentioned who Greg</p> <p>8 is.</p> <p>9 In these numerous meetings that you have, is</p> <p>10 Patrick Miller or Bob Cahill a participant in any of</p> <p>11 those?</p> <p>12 In the meetings that you had mentioned that -- that</p> <p>13 transpire after you propose Exhibit 3?</p> <p>14 A. May I go back to the last question?</p> <p>15 Q. Okay.</p> <p>16 A. Or do you want me to answer that?</p> <p>17 Q. No, that's okay. Go ahead if you need to clarify</p> <p>18 something.</p> <p>19 A. Because I found -- no, no. This is not him.</p> <p>20 This -- I have a letter from Greg Grabowski. I was</p> <p>21 hoping it would have his title in there, and it does</p> <p>22 not.</p> <p>23 Q. Okay.</p> <p>24 A. This is --</p> <p>25 Q. So, you were pointing out that you -- you're not sure</p>                                                                                                                                                                                                                                                         | <p style="text-align: right;">Page 64</p> <p>1 Q. Do you recall that he became the CEO of the Seasons</p> <p>2 group that you mentioned before?</p> <p>3 A. Thank you.</p> <p>4 Correct.</p> <p>5 Q. Okay. And --</p> <p>6 A. But -- yeah. Go ahead.</p> <p>7 Q. The -- the consulting relationship that you have, does</p> <p>8 that begin sort of on the same track as what you're</p> <p>9 suggesting for Exhibit 3?</p> <p>10 A. No.</p> <p>11 Q. No?</p> <p>12 A. It was a different kind of arrangement.</p> <p>13 Q. Okay. Were you paid through Hospice Chaplaincy</p> <p>14 Network -- Jewish Hospice Chaplaincy Network -- or were</p> <p>15 you paid personally and individually?</p> <p>16 A. I was paid personally and individually.</p> <p>17 Q. Okay. And did you tell Patrick Miller about that</p> <p>18 arrangement at some point?</p> <p>19 A. I don't remember.</p> <p>20 But may I make a clarifying point?</p> <p>21 Q. Okay.</p> <p>22 A. Which I think I stated earlier.</p> <p>23 I didn't work with Seasons in particular on -- on</p> <p>24 local issues in -- in Detroit. And that -- I wasn't</p> <p>25 paid for that, and I was explicitly not paid for that.</p>                                                                                                                                                                                         |
| <p style="text-align: right;">Page 63</p> <p>1 what his title is?</p> <p>2 A. No, I do. Here I go.</p> <p>3 Mr. Greg Grabowski, Vice President of Community</p> <p>4 Relations.</p> <p>5 Q. Great. Okay.</p> <p>6 A. Would -- would -- so, as -- as I said to you, someone I</p> <p>7 worked with very frequently then in those days.</p> <p>8 Q. Did the lady who -- are you testifying that they're --</p> <p>9 that Dottie Deremo took out a Personal Protection Order</p> <p>10 against a Hospice of Michigan employee or former</p> <p>11 employee?</p> <p>12 A. That was -- that was what she said to me.</p> <p>13 Q. Okay. So, you don't know about that firsthand other</p> <p>14 than what she told you?</p> <p>15 A. Not firsthand, no.</p> <p>16 Q. Okay. And what was the -- was there some sort of threat</p> <p>17 of violence or -- or stalking or do you know why -- what</p> <p>18 the deal was personally? Like you wouldn't know</p> <p>19 anything other than what you heard; right?</p> <p>20 A. I could conjecture by the -- the aura that I sort of</p> <p>21 felt from Dottie, but no.</p> <p>22 Q. Did Mr. Grabowski and you maintain a relationship after</p> <p>23 he left Hospice of Michigan?</p> <p>24 A. For some short time. And I think he went to another</p> <p>25 hospice, but I -- I couldn't recall.</p> | <p style="text-align: right;">Page 65</p> <p>1 I was paid to -- to do the work that JHCN does</p> <p>2 in -- in giving them the resources necessary.</p> <p>3 They would go to a city like Atlanta or they would</p> <p>4 go to Los Angeles, and they would bring me in to work</p> <p>5 with the Jewish community to set up, you know, something</p> <p>6 very similar to Jewish Hospice services at Hospice of</p> <p>7 Michigan.</p> <p>8 Q. And what was the reasoning for not doing that in Detroit</p> <p>9 where you have such deep ties?</p> <p>10 A. I think -- conjecture -- that the CEO of Seasons --</p> <p>11 THE REPORTER: I'm sorry. "The C- --"</p> <p>12 A. CEO --</p> <p>13 THE REPORTER: Thank you.</p> <p>14 A. Chief Executive Officer of Seasons, a large corporation</p> <p>15 with offices all over America, wanted my services</p> <p>16 rendered that he was paying for should be directly in</p> <p>17 other cities, not in Detroit.</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. So, in other words, that was -- whatever the thought</p> <p>20 process was, that wasn't from you. That was something</p> <p>21 that they proposed?</p> <p>22 A. Right.</p> <p>23 Q. Okay. All right. So, one of the questions I asked that</p> <p>24 we hadn't finished was, you mentioned that after you</p> <p>25 present Exhibit 3, you work through some meetings with</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 Greg and Dottie specifically --</p> <p>2 A. And other people in attendance --</p> <p>3 Q. Fair.</p> <p>4 A. -- listed on that document.</p> <p>5 Q. Were any of them Patrick or Bob Cahill -- Patrick Miller</p> <p>6 or Bob Cahill?</p> <p>7 A. No.</p> <p>8 Q. Were any --</p> <p>9 A. I mean that -- not listed as getting -- that -- that</p> <p>10 were present in these meetings, no.</p> <p>11 Q. Okay.</p> <p>12 A. Dottie Deremo was in the meeting.</p> <p>13 Q. Was the woman whose name you can't remember in the</p> <p>14 meetings?</p> <p>15 A. That's a good question.</p> <p>16 No.</p> <p>17 Q. Do you remember the role of the woman who was</p> <p>18 bad-mouthing you?</p> <p>19 A. In -- somewhere in development, I believe.</p> <p>20 Q. Okay. Okay. Prior to your founding of JHCN, as you're</p> <p>21 working as the Director of --</p> <p>22 A. Jewish Hospice Services.</p> <p>23 Q. -- Jewish Hospice Services, what was your -- what were</p> <p>24 your job duties?</p> <p>25 I know you were "the cowboy," but -- but that's --</p>                                                                                                                                                                                                                                                                                                                                                                                   | <p style="text-align: right;">Page 68</p> <p>1 A. My -- my job was to break down the barriers in the broad</p> <p>2 community and individually get the best care possible</p> <p>3 for Jewish people so that becomes a -- a recognized</p> <p>4 brand in the community that Hospice of Michigan, as</p> <p>5 opposed to other hospices, would provide special Jewish</p> <p>6 services, and they have Rabbi Bunny Freedman who gained</p> <p>7 a reputation as the hospice rabbi and a darn good one, I</p> <p>8 might say. And -- and those services were -- I was to</p> <p>9 see that, when they came onboard that they got all the</p> <p>10 things they needed. And -- and if I -- if they were</p> <p>11 particular populations -- let's say they were Russian</p> <p>12 immigrants -- so, they got the special care that they</p> <p>13 needed, and I would pull in a volunteer rabbi that</p> <p>14 spoke, you know, Russian to them.</p> <p>15 And the same was true for Israelis that came here,</p> <p>16 migrated here or Yiddish-speaking people that maybe were</p> <p>17 Holocaust survivors.</p> <p>18 You know, I knew the entire community, and I had --</p> <p>19 part of what I had to do was like the pixel dust that,</p> <p>20 you know -- that I had to provide was understanding all</p> <p>21 the divisions in the Jewish community -- Conservative,</p> <p>22 Orthodox, Humanistic -- you know, with all the</p> <p>23 adjectives, understand that community, nurture</p> <p>24 relationships with the rabbis and the -- the people that</p> <p>25 moved the -- you know, move the community, the</p> |
| <p style="text-align: right;">Page 67</p> <p>1 A. I was a wrangler.</p> <p>2 Q. You're the wrangler.</p> <p>3 So, what -- what is the -- the more formal -- what</p> <p>4 was your -- your job duties?</p> <p>5 A. I -- my job duties were to be a liaison -- this is in my</p> <p>6 words -- a liaison to the Jewish community, to make them</p> <p>7 familiar with Hospice of Michigan and their services and</p> <p>8 to be the conduit that -- that brought those services to</p> <p>9 families, which meant when a call came in for any --</p> <p>10 that -- a Jewish patient, that it was recommended to</p> <p>11 them that they first speak with me, and I would explain</p> <p>12 it and answer questions from the Jewish perspective</p> <p>13 about the -- the -- the value of hospice services and</p> <p>14 how it's not contradictory to anything Jewish.</p> <p>15 Just as a sidebar, a little digression, that prior</p> <p>16 to my working at Jewish Hospice, there was a general</p> <p>17 feeling that hospice -- and this was spoken about in</p> <p>18 many meetings and many people agreed to this -- that it</p> <p>19 was a Christian operation, and, you know, it was -- you</p> <p>20 know, it had -- the spiritual care people were all</p> <p>21 Christian, and it was not -- no place to identify</p> <p>22 yourself as Jewish and ask for any kind of Jewish</p> <p>23 services or nor were they provided specific for Jewish</p> <p>24 people.</p> <p>25 Q. Okay.</p> | <p style="text-align: right;">Page 69</p> <p>1 influencers, we would call them today, and make sure</p> <p>2 they were all on board, provide educational</p> <p>3 opportunities and all that stuff, and, of course,</p> <p>4 provide for the spiritual care needs of our patients.</p> <p>5 And sometimes providing meant hooking them up with</p> <p>6 their own rabbi and working in tandem with their own</p> <p>7 rabbi.</p> <p>8 So, that's a --</p> <p>9 Q. Okay.</p> <p>10 A. -- as brief as I could do outline --</p> <p>11 Q. Okay. That's helpful.</p> <p>12 A. -- that -- that I think satisfies your answer(sic).</p> <p>13 Q. Okay.</p> <p>14 A. Your question.</p> <p>15 Q. When you create JHCN, who are the next people you</p> <p>16 hire -- or I guess you didn't hire yourself, but who do</p> <p>17 you -- who was the first in the door?</p> <p>18 A. The first one that was hired and didn't get paid was my</p> <p>19 daughter as my assistant secretary.</p> <p>20 Q. Okay. Who is next?</p> <p>21 A. Nathan Shiovitz, again, wasn't hired. He was a</p> <p>22 volunteer that, when I started JHCN, he glommed onto me</p> <p>23 and said, "I want to be your -- your primary volunteer."</p> <p>24 We ended up having an office in our location and</p> <p>25 was doing -- it appears -- you know, in memory, it</p>                                                                                                                                                                                                                                                                                    |

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| <p style="text-align: right;">Page 70</p> <p>1 appears to me that he was doing more work than an</p> <p>2 employee would, you know, nights and all that stuff,</p> <p>3 extremely dedicated.</p> <p>4 Q. Okay. How about -- how about once we get to the point</p> <p>5 of pay?</p> <p>6 A. Okay. The first person that was hired was Sue Lazar,</p> <p>7 who is, to this very day, my assistant, and she's our</p> <p>8 office manager currently.</p> <p>9 Q. Okay. Does she have a role in development or education</p> <p>10 or anything else?</p> <p>11 A. She has a role in everything.</p> <p>12 I mean, no, she -- she just does the backup for</p> <p>13 everything.</p> <p>14 Q. Okay. And then who is next in the door?</p> <p>15 A. Next in the door?</p> <p>16 Q. Paid -- paid employee?</p> <p>17 A. Okay. I -- I enlisted a cadre of rabbis, very diverse,</p> <p>18 and it was -- I must say it was a breakthrough to get</p> <p>19 Reform, Orthodox, Conservative, Chabad or Hasidic</p> <p>20 rabbis, Humanistic rabbis at the same table, and I</p> <p>21 provided a program for CP, clinical pastor education</p> <p>22 for rabbis of different denominations, representing</p> <p>23 different communities. And it was clinical pastoral</p> <p>24 education, which is a required form for most hospitals</p> <p>25 for -- for pastoral care. So, that's a degree, you</p>                                                                                     | <p style="text-align: right;">Page 72</p> <p>1 A. Correct.</p> <p>2 Q. And -- and JHCN services aren't for sale to be bought by</p> <p>3 hospices or hospitals; right?</p> <p>4 A. That's qualified.</p> <p>5 Q. Okay.</p> <p>6 A. Like myself, there are other rabbis that are -- their</p> <p>7 services are "bought," as you're calling it, for other</p> <p>8 agencies throughout the community.</p> <p>9 Q. Okay. Other hospices?</p> <p>10 A. Other hospices, sometimes nursing homes or other things.</p> <p>11 Q. Okay. What other hospices are paying rabbis who are</p> <p>12 also paid by JHCN?</p> <p>13 A. Currently, Heart to Heart, Michigan Palliative --</p> <p>14 Michigan Palliative and Hospice Care is, I think, their</p> <p>15 official name.</p> <p>16 There have been numerous other ones along the way.</p> <p>17 There's a missing -- I think one -- HCR. Those are</p> <p>18 the ones that are -- but there's -- I'm missing -- yeah,</p> <p>19 there were others -- many others along the way that --</p> <p>20 that had this kind of relationship.</p> <p>21 Q. How many as of 2021 besides the ones you named?</p> <p>22 A. I can't remember if there -- if there's others currently</p> <p>23 or since 20- --</p> <p>24 Q. Okay.</p> <p>25 THE REPORTER: I'm sorry. "-- since --"?</p> |
| <p style="text-align: right;">Page 71</p> <p>1 know. And we ended up doing four credits, which got us</p> <p>2 equal to a master's degree, all of us, in pastoral</p> <p>3 care.</p> <p>4 And a number of those rabbis became at least</p> <p>5 part-time employees. And I -- along the years, I have</p> <p>6 facilitated for other rabbis to get CPE, and they became</p> <p>7 the beginnings of chaplaincy group that was very</p> <p>8 representative of the broad community, who became</p> <p>9 contingent of part-time employees of -- of ours.</p> <p>10 Q. Okay. So --</p> <p>11 A. That's a whole group.</p> <p>12 Q. There's a whole group of like rabbis that -- that would</p> <p>13 be next in line somewhere, depending on who was first,</p> <p>14 but somewhere in there --</p> <p>15 A. No. Depending on their -- their capabilities and</p> <p>16 their -- their -- you know, in their willingness to --</p> <p>17 to get involved and more -- further engaged.</p> <p>18 So, some rabbis were pulpit rabbis and there was no</p> <p>19 way they could take that on, and some were maybe Hebrew</p> <p>20 teachers that -- that were rabbis and could find spare</p> <p>21 time in their day to do visits and things like that.</p> <p>22 And we ended up with a full crew.</p> <p>23 Q. What is the -- that -- the patients don't pay for any --</p> <p>24 or the callers, even if they aren't patients yet, don't</p> <p>25 pay for JHCN services; right?</p> | <p style="text-align: right;">Page 73</p> <p>1 A. Since 2021.</p> <p>2 THE REPORTER: Thank you.</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. Okay. So, how -- what rabbis work for Heart to Heart?</p> <p>5 THE WITNESS: Am I on --</p> <p>6 MR. MCGORISK: What you know.</p> <p>7 THE WITNESS: What?</p> <p>8 MR. MCGORISK: I mean --</p> <p>9 A. Yeah, I could share, but I'm saying there might be</p> <p>10 competitive stuff that -- well, it's protected? I just</p> <p>11 want to know.</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. Yeah. It's -- there's a protective order.</p> <p>14 MR. MCGORISK: Yeah. We already cited the</p> <p>15 protective order. So, it's not going to go outside of</p> <p>16 the people involved in the case.</p> <p>17 THE WITNESS: Okay. But it's -- there's a concern</p> <p>18 in my mind that it might be competitive issues related</p> <p>19 to different hospices.</p> <p>20 Okay. I can answer, because it's no --</p> <p>21 MR. MCGORISK: You --</p> <p>22 A. Heart to Heart -- what?</p> <p>23 MR. MCGORISK: You don't feel comfortable for some</p> <p>24 reason disclosing --</p> <p>25 THE WITNESS: I'm -- I'm worried about competition</p>                                                                                                                                   |

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| <p style="text-align: right;">Page 74</p> <p>1 with Hospice of Michigan and other hospices.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. But I don't -- we don't represent any hospices, and we</p> <p>4 don't -- I mean, the hospices themselves know this</p> <p>5 information. So, I don't know why it would be secret.</p> <p>6 But your lawyer thinks it's secret and --</p> <p>7 A. Okay.</p> <p>8 MR. MCGORISK: Yeah, I'm --</p> <p>9 THE WITNESS: You're not concerned?</p> <p>10 MR. MCGORISK: I don't see the relevance of it,</p> <p>11 but, I mean, this is a discovery deposition. So,</p> <p>12 there's nobody to rule on that.</p> <p>13 But -- I -- I don't know --</p> <p>14 A. So, my concern is --</p> <p>15 MR. MCGORISK: -- from a competitive nature --</p> <p>16 A. Is this on record?</p> <p>17 BY MS. PRESCOTT:</p> <p>18 Q. Yeah.</p> <p>19 MR. MCGORISK: Yeah.</p> <p>20 A. Yeah.</p> <p>21 So, I'm a little concerned about competitive people</p> <p>22 being concerned about who is getting paid and who is not</p> <p>23 getting paid.</p> <p>24 There -- see -- there's many that don't get paid,</p> <p>25 and there's criteria we use when we -- to allow one of</p> | <p style="text-align: right;">Page 76</p> <p>1 A. I don't recall. I don't know.</p> <p>2 Q. All right. And then what about anyone else that HCR</p> <p>3 pays at JHCN?</p> <p>4 A. No.</p> <p>5 Q. What about Michigan Palliative?</p> <p>6 A. Is Rabbi Joey Krakoff.</p> <p>7 Q. And before Krakoff, was there anyone else Michigan</p> <p>8 Palliative paid?</p> <p>9 A. Again, I don't -- I don't recall.</p> <p>10 Q. Okay. Rabbi Kaluzny is an employee?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Right?</p> <p>13 Yeses and nos.</p> <p>14 THE REPORTER: I'm sorry?</p> <p>15 A. Yeah.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. A JHCN employee?</p> <p>18 A. Yes.</p> <p>19 Q. Does she receive pay from any hospice?</p> <p>20 A. I don't think so.</p> <p>21 Q. And when these people are receiving pay, are they</p> <p>22 receiving salaries or hourly or what are they getting?</p> <p>23 A. Usually it's a set fee, and it -- it's modeled very much</p> <p>24 like my relationship with HOM. And it's taking care to</p> <p>25 see that the patients get the best possible care, which</p>                                                                                                                                                                                                                                                                                                          |
| <p style="text-align: right;">Page 75</p> <p>1 our -- our employees to get paid.</p> <p>2 And -- and that's sort of privileged information.</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. Yeah, it's not privileged. So --</p> <p>5 A. Huh?</p> <p>6 Q. But go ahead.</p> <p>7 So, who got paid by Heart to Heart? Or who gets</p> <p>8 paid?</p> <p>9 A. Rabbi Rabin.</p> <p>10 THE REPORTER: I'm sorry. "-- Rabbi --"?</p> <p>11 A. Rabbi Rabin.</p> <p>12 THE REPORTER: Thank you.</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Okay. And have you been paid by Heart to Heart?</p> <p>15 A. No.</p> <p>16 Q. And is there anyone else that you know that's been paid</p> <p>17 by Heart to Heart that's also a JHCN employee?</p> <p>18 A. One second.</p> <p>19 See, I'm -- Rabbi -- excuse me -- Rabbi Rabin is</p> <p>20 paid by HCR.</p> <p>21 Q. Not Heart to Heart?</p> <p>22 A. Not Heart to Heart.</p> <p>23 Q. Okay. Who was the Heart to Heart person?</p> <p>24 A. Rabbi Joey Krakoff.</p> <p>25 Q. Okay. And before Krakoff, was there anyone else?</p>                                                                                                                                      | <p style="text-align: right;">Page 77</p> <p>1 includes a -- a lot of things beyond spiritual care,</p> <p>2 enrichments and all the other things that we offer,</p> <p>3 which are social workers and things like that. But the</p> <p>4 rabbi is paid for his role, and it's very similar.</p> <p>5 They attended the team meetings, and they -- they</p> <p>6 take responsibility for all the patients that are --</p> <p>7 that are on that particular hospice, the Jewish</p> <p>8 patients, and they report weekly. They attend the</p> <p>9 meetings personally.</p> <p>10 I'm not sure there's any distinction really.</p> <p>11 Q. Okay. So, let's talk about -- okay.</p> <p>12 So, when JHCN adds these part-time employees, these</p> <p>13 rabbis, they come in for the education, and you go</p> <p>14 through that and they start to come on board.</p> <p>15 The income of JHCN is from fundraising and</p> <p>16 donations; right?</p> <p>17 A. I want to emphasize that most of our employees right</p> <p>18 now, rabbis, are full-time.</p> <p>19 In 20- --</p> <p>20 Q. Okay.</p> <p>21 A. A while back, when it started, when we started CPEs,</p> <p>22 they were all part-time. When you -- because we started</p> <p>23 talking about employees.</p> <p>24 So, the -- they were part-time. Back then it was</p> <p>25 very contingent, and -- and we didn't have the kind of</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 funding necessary to hire full-time people and give a</p> <p>2 lot of benefits. So -- yeah.</p> <p>3 Q. When you are paying people and paying yourself or paying</p> <p>4 for benefits, whatever the --</p> <p>5 A. Yeah. Right.</p> <p>6 Q. -- you know, whatever the outflow is --</p> <p>7 A. The deal is, yeah. Right.</p> <p>8 Q. -- whatever the -- the --</p> <p>9 A. Payments.</p> <p>10 Q. -- expense side of this --</p> <p>11 A. Right. Sure.</p> <p>12 Q. -- of the profit and loss statement, the income is from</p> <p>13 donations; correct?</p> <p>14 A. Uh-huh.</p> <p>15 MR. MCGORISK: "Yes"?</p> <p>16 THE REPORTER: I'm sorry. Is that --</p> <p>17 A. Yes.</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. Okay. And the donations are -- to your point, you had</p> <p>20 been a fundraiser all the way back to the Hebrew school</p> <p>21 and probably before that, and you talked about attending</p> <p>22 funerals and that you were a fundraiser -- well --</p> <p>23 A. Nurtured relationships.</p> <p>24 Q. Okay. You went all the way -- that goes all the way</p> <p>25 before HOM; right?</p>                                                                                                                                                            | <p style="text-align: right;">Page 80</p> <p>1 Q. Fair.</p> <p>2 And the goodwill are the -- these things that</p> <p>3 you're talking about relative to the enrichments, the</p> <p>4 guidance?</p> <p>5 A. Social work --</p> <p>6 Q. Social work --</p> <p>7 A. -- spiritual care, and a massive amount of navigation</p> <p>8 and, you know, walking -- holding their hand throughout</p> <p>9 the process and cultivating a relationship with the</p> <p>10 family that they trust us and, you know -- and know that</p> <p>11 they could always call on us 24/7.</p> <p>12 Q. When you presented Exhibit 3 -- so, this document -- you</p> <p>13 mentioned that the handwriting on the front is</p> <p>14 Dottie Deremo?</p> <p>15 A. Uh-huh.</p> <p>16 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>17 MR. MCGORISK: "Yes"?</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. Yeses and nos.</p> <p>20 A. Yes.</p> <p>21 Q. She thought this was an excellent piece of work and she</p> <p>22 said, "Script out the meeting"?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Right?</p> <p>25 THE REPORTER: I'm sorry. Is that --</p>                                                                                                                                                                                                                                      |
| <p style="text-align: right;">Page 79</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And among the people that -- the way that -- to</p> <p>3 this day JHCN is funded is -- the vast majority is</p> <p>4 through individual donations; right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And when a family is involved with JHCN, somebody</p> <p>7 who maybe gets the enrichments, maybe it's music, maybe</p> <p>8 it's the social work, maybe it's, you know, any number</p> <p>9 of these things, they don't have to pay for that</p> <p>10 service; right?</p> <p>11 A. Correct.</p> <p>12 Q. They are -- the most that happens with them is that</p> <p>13 they're -- you know, they're processed into JHCN. They</p> <p>14 may be followed. They may be assisted into a hospice or</p> <p>15 not. They may be requested to fundraise through</p> <p>16 invitations to events or donations; correct? To make</p> <p>17 donations?</p> <p>18 A. They're invited to do so, yeah.</p> <p>19 Q. And their families, if they pass away, are invited to do</p> <p>20 so; right?</p> <p>21 A. Uh-huh. Correct.</p> <p>22 Q. Okay.</p> <p>23 A. Well, the patients are almost never -- are -- yeah, we</p> <p>24 wouldn't solicit the patients. But we would solicit the</p> <p>25 family and only after we've produced all the goodwill.</p> | <p style="text-align: right;">Page 81</p> <p>1 A. Yes.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. Were there any parts of Exhibit 3 that you recall being</p> <p>4 rejected or whittled away, not pursued in subsequent</p> <p>5 years?</p> <p>6 A. I don't think any of it was, you know, rejected.</p> <p>7 Q. Okay. There are -- you are suggesting benefits to HOM</p> <p>8 in the -- in the final two pages; correct?</p> <p>9 There's a whole bunch of bullet points of benefits?</p> <p>10 A. Yeah.</p> <p>11 I'm going to turn to that and -- if I can find it.</p> <p>12 Okay. Yes.</p> <p>13 Benefit to H- -- I've got it.</p> <p>14 Q. Okay. Did this document become the backbone of your own</p> <p>15 understanding of the relationship with HOM?</p> <p>16 A. The template, yeah.</p> <p>17 Q. Okay. How was it received? What was the reaction you</p> <p>18 got from the Hospice of Michigan staff that -- that was</p> <p>19 part of this?</p> <p>20 A. I think it was received very well. I think they</p> <p>21 followed with a series of meetings, which only one that</p> <p>22 I have notes, you know, that -- that list, you know, the</p> <p>23 things they wanted to work out with us -- here it is --</p> <p>24 and, you know, which I -- I referred to that document</p> <p>25 that it was, I believe, written by Greg Grabowski.</p> |



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| <p style="text-align: right;">Page 82</p> <p>1 I believe so.</p> <p>2 Q. Did anyone at Hospice of Michigan ever tell you that</p> <p>3 they did not want you to represent the interests of</p> <p>4 Hospice of Michigan or position Hospice of Michigan in a</p> <p>5 positive way in the community?</p> <p>6 A. When I say -- when you say "did anybody ever," in 25</p> <p>7 years?</p> <p>8 The answer is that -- not that I can recall.</p> <p>9 And I'm pretty sure -- I mean, there -- there could</p> <p>10 be -- this is -- I was sort of referring to earlier.</p> <p>11 There's competition between all these hospices, and</p> <p>12 it -- it takes sort of a -- a juggling to make sure</p> <p>13 you're not stepping on people's toes and things like</p> <p>14 that.</p> <p>15 Were people ever upset with us from the hospice</p> <p>16 world that why do we favor this organization, that</p> <p>17 organization or why don't we get referrals from you?</p> <p>18 Yeah, there could be some, you know, babble about that.</p> <p>19 But did they come explicitly to tell me? No. I -- I</p> <p>20 don't recall.</p> <p>21 Q. Okay. So, relative to the last piece about, you know,</p> <p>22 people being irritated with are -- are we getting the</p> <p>23 best of you, like -- right? Like are we getting your --</p> <p>24 A. Yeah.</p> <p>25 Q. -- you know, the lion's share of your --</p> | <p style="text-align: right;">Page 84</p> <p>1 anyone else.</p> <p>2 Q. I'm sure it wasn't, but that's the fact; right?</p> <p>3 A. Me? No one paid me other than Hospice of Michigan --</p> <p>4 Q. Right.</p> <p>5 A. -- as I said.</p> <p>6 Q. Right.</p> <p>7 A. So, I got paid from Hospice of Michigan.</p> <p>8 Q. Right.</p> <p>9 So, other than the fact that you were on their</p> <p>10 payroll and they gave great care, was there any other</p> <p>11 factor that ended up --</p> <p>12 A. It was only --</p> <p>13 Q. Let me finish, sir.</p> <p>14 THE REPORTER: I'm sorry --</p> <p>15 A. Sure.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Let me finish.</p> <p>18 -- that ended up, it just so happens, with most of</p> <p>19 the people that came through JHCN ending up at Hospice</p> <p>20 of Michigan?</p> <p>21 A. We looked for the best care possible in every situation,</p> <p>22 and that varied for every situation. We would always</p> <p>23 put out numerous options that we felt might fit their</p> <p>24 needs, and we made it very clear that it was their</p> <p>25 choice, not ours. And we laid out what we knew about</p>                                     |
| <p style="text-align: right;">Page 83</p> <p>1 A. Services.</p> <p>2 Q. -- your -- your community's business --</p> <p>3 A. Yeah. Involvement. Engagement.</p> <p>4 Q. -- you know?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Did -- did people at Hospice of Michigan confront you</p> <p>7 with sort of what's the return on our investment in you?</p> <p>8 A. The answer is no.</p> <p>9 And the answer that I told competing people was</p> <p>10 universally always, "Hospice of Michigan gives us great</p> <p>11 care. If you give us as great care as them, or exceed</p> <p>12 them, accordingly, you'll probably end up getting more</p> <p>13 business. We don't make referrals, but we know who we</p> <p>14 have great relationships with and who serve our people</p> <p>15 well. So, the determinant is always the best care</p> <p>16 possible."</p> <p>17 Q. And who is employing you?</p> <p>18 A. Pardon?</p> <p>19 Q. And who continued to employ you from 2010 to 2022;</p> <p>20 right?</p> <p>21 MR. MCGORISK: Object to form.</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. Because nobody else did that besides Hospice of</p> <p>24 Michigan?</p> <p>25 A. But that wasn't my part -- part of my conversation with</p>                                                                                                                                                                                  | <p style="text-align: right;">Page 85</p> <p>1 how to get the best care possible and somebody meet</p> <p>2 their needs. And the needs would invariably change with</p> <p>3 almost every patient. And sometimes some hospices fit</p> <p>4 it better than others.</p> <p>5 Q. So, do you agree with the testimony from yesterday that</p> <p>6 there are other hospices that give just as good care to</p> <p>7 the Jewish community as Hospice of Michigan, equally</p> <p>8 good care?</p> <p>9 A. Who testified that?</p> <p>10 Q. Natalie Miller(sic).</p> <p>11 A. Oh, Natalie.</p> <p>12 Q. Natalie Rosenfield.</p> <p>13 A. So, what did she -- tell me again what she said.</p> <p>14 Q. She named off -- I don't know -- three, four hospices</p> <p>15 that she --</p> <p>16 A. Oh, we -- we --</p> <p>17 THE REPORTER: I'm sorry. I'm sorry.</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. You have to let me finish.</p> <p>20 A. Yes.</p> <p>21 Q. She named off three or four hospices that she said were</p> <p>22 equally as good as Hospice of Michigan.</p> <p>23 Do you agree that there are three or four other</p> <p>24 hospices --</p> <p>25 MR. MCGORISK: Hold on a second --</p> |



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| <p style="text-align: right;">Page 86</p> <p>1 BY MS. PRESCOTT:</p> <p>2 Q. -- in the area that are just as good as Hospice of</p> <p>3 Michigan?</p> <p>4 MR. MCGORISK: Let me object to the form of the</p> <p>5 question, because this misstates her testimony, I</p> <p>6 believe, and that's not what she said about the other</p> <p>7 hospices.</p> <p>8 MS. PRESCOTT: Okay. Well, I asked her who is</p> <p>9 better than Hospice of Michigan, and she said, "Better?</p> <p>10 I don't know of anyone better but same quality," and she</p> <p>11 named three or four places.</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. But let's -- let's go past that.</p> <p>14 Who gives better care than Hospice of Michigan to</p> <p>15 Jewish patients in the area?</p> <p>16 A. I don't know.</p> <p>17 Q. Who gives --</p> <p>18 A. But that doesn't agree that they give the best care. I</p> <p>19 don't know who to name that does better care. And I --</p> <p>20 Q. Who gives the best care to Jewish patients?</p> <p>21 A. That's -- that's a variable.</p> <p>22 Q. It depends; right?</p> <p>23 A. Sure, it depends.</p> <p>24 Q. Okay.</p> <p>25 A. I mean, in -- in certain --</p>                                                                                                                                                                                                                                                                                           | <p style="text-align: right;">Page 88</p> <p>1 special -- like I referred to earlier -- they have a</p> <p>2 translator that could translate, and they have a service</p> <p>3 that sometimes they'll -- some hospices will actually</p> <p>4 give service for -- for dialysis a couple times, very</p> <p>5 expensive service, and they'll do it a couple times</p> <p>6 until they condition the patient that -- you know,</p> <p>7 convince them that it's really not helping them anymore.</p> <p>8 And some people will just say, "We'll never give</p> <p>9 dialysis."</p> <p>10 It's just -- we don't want to spend all day me</p> <p>11 giving you examples, but every patient I ever walk in to</p> <p>12 or my rabbis walk in to have different needs.</p> <p>13 Q. Is it just --</p> <p>14 A. We -- we --</p> <p>15 Q. Go ahead.</p> <p>16 A. We specialize, and we believe that it's a part of our --</p> <p>17 our very DNA, so to speak, that we understand strengths</p> <p>18 and weaknesses of different hospices. So, if you ask me</p> <p>19 who the best -- if you refined it, I probably could</p> <p>20 answer the question to that nature. Like best in what?</p> <p>21 Some people get to spend more time taking -- I'll</p> <p>22 answer my question.</p> <p>23 Some people take more -- give you more time with</p> <p>24 private duty aides. One hospice might give one hour a</p> <p>25 week. Another hospice might give actually two hours a</p> |
| <p style="text-align: right;">Page 87</p> <p>1 Q. And she certainly said, "It really depends. There's</p> <p>2 different factors."</p> <p>3 She certainly --</p> <p>4 A. Dozens of factors that -- you know, and we strive to be</p> <p>5 really, really -- this may not answer your question, but</p> <p>6 I'll tell you what's -- really is important to us.</p> <p>7 Good communication with us is very, very important.</p> <p>8 If someone dies, and we didn't -- and we're jointly</p> <p>9 taking care of with the hospice and -- and us, and they</p> <p>10 don't call us to say the person died, and our rabbis end</p> <p>11 up -- or whoever, enrichment specialists, call them up</p> <p>12 and say, you know, "I -- could I come see Valerie</p> <p>13 today?" that's not good.</p> <p>14 We don't like those people that consistently make</p> <p>15 that mistake and not inform us.</p> <p>16 So, there's -- and I'll give you one example, and</p> <p>17 there's dozens of examples like that.</p> <p>18 So, when you say "Who is the best," there's a lot</p> <p>19 of different qualities that I couldn't tell you the</p> <p>20 best. But if I have a patient that needs certain kind</p> <p>21 of treatment that one hospice doesn't give and another</p> <p>22 does, guess what they're going to hear in between the</p> <p>23 lines that -- that what is a really, really good fit for</p> <p>24 them?</p> <p>25 If one -- one organization knows how to treat</p> | <p style="text-align: right;">Page 89</p> <p>1 day. And if that's what they need, especially if</p> <p>2 they're -- if the patients are alone or they have family</p> <p>3 that can't cover, that becomes an integral part of it.</p> <p>4 So, we never tell them, "You ought to take --" to</p> <p>5 my -- best of my knowledge, I speak for myself and what</p> <p>6 we -- we iterate to our staff all the time, we don't</p> <p>7 tell people, "You should use this company."</p> <p>8 We tell them, "Here is four really fine companies,</p> <p>9 and, you know, this one does this, and this one does</p> <p>10 this, and this one this. So, you know, if you're</p> <p>11 looking for that, you might be thinking about that."</p> <p>12 And that's -- I hope all my rabbis are doing that</p> <p>13 every time they visit a patient.</p> <p>14 Q. Do you refer to these read-between-the-line suggestions</p> <p>15 and recommendations to people as referrals?</p> <p>16 MR. MCGORISK: Object to form.</p> <p>17 No, go ahead. You can still answer.</p> <p>18 A. Okay.</p> <p>19 I never refer to "referrals." That's not in my</p> <p>20 lexicon because I don't like that word. That would --</p> <p>21 might imply things, like kickbacks and things like that.</p> <p>22 So --</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Right. The use of the word, though, isn't what -- just</p> <p>25 like we talked about earlier, I'm not interested in</p>                  |

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| <p style="text-align: right;">Page 90</p> <p>1 labels as much as I am interested in the reality.</p> <p>2 But I did ask you, to be fair, if you use the word</p> <p>3 "referrals," and referrals might imply kickback.</p> <p>4 Natalie Miller -- or Natalie Rosenfield talked</p> <p>5 about referrals with HOM pretty frequently.</p> <p>6 Are you aware of that?</p> <p>7 MR. MCGORISK: Object to form. Misstates her</p> <p>8 testimony.</p> <p>9 A. I don't know that. I wasn't -- I didn't hear -- I</p> <p>10 didn't see any documents. I didn't have a conversation</p> <p>11 with her, but I don't know --</p> <p>12 THE REPORTER: I'm sorry. "Did" or "did not have"?</p> <p>13 I'm sorry.</p> <p>14 A. I didn't have a conversation with Natalie, but --</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. What -- what was her job at JHCN before 2021?</p> <p>17 A. What was her job?</p> <p>18 Q. Yeah.</p> <p>19 What were her job duties?</p> <p>20 A. Before JHCN, she worked for Hospice of Michigan.</p> <p>21 Q. Before 2021 --</p> <p>22 A. Before --</p> <p>23 Q. -- at JHCN, what was Natalie's job duties?</p> <p>24 A. She's our care coordinator.</p> <p>25 Q. What does that mean she does day-to-day?</p>                                                                                                                                                                                  | <p style="text-align: right;">Page 92</p> <p>1 for an hour"; right? Or someone will talk for an hour?</p> <p>2 A. Or two hours.</p> <p>3 Q. Okay.</p> <p>4 But the point is like it can be less formal, sort</p> <p>5 of day-to-day education all the way up to a formal</p> <p>6 seminar?</p> <p>7 A. All the way up to a conference each year with attendance</p> <p>8 of -- aimed at professionals in the end-of-life care</p> <p>9 world. And it's a full-day seminar with -- that each</p> <p>10 year with different speakers each year from around the</p> <p>11 country. It's a major conference recognized around the</p> <p>12 country. We have always attracted the top speakers</p> <p>13 available in this world and in the end-of-life world and</p> <p>14 drawing expertise from other places. I mean, we'll have</p> <p>15 people that lecture on heart disease and brain disease,</p> <p>16 cancer and things like that at this conference.</p> <p>17 And it's very, very popular. And it's part of -- a</p> <p>18 big part of our education. We have an education</p> <p>19 director that takes care of that conference and builds</p> <p>20 it out every year, and it's quite a production. And</p> <p>21 education could be taking hospice employees to the</p> <p>22 Holocaust Memorial Museum. It could be a cultural,</p> <p>23 talking to them about different things on the Jewish</p> <p>24 calendar, different holidays or whatever it might be,</p> <p>25 the high holidays and different -- obviously, at least</p> |
| <p style="text-align: right;">Page 91</p> <p>1 A. She -- from intake to final passage and -- and beyond,</p> <p>2 she is informed about every patient. There's two social</p> <p>3 workers now, and they -- their job is to track every</p> <p>4 patient activity and know that it's -- the assignment</p> <p>5 was completed and to know where there are bumps along</p> <p>6 the road and problems and to stay informed about all</p> <p>7 those patients and offer assistance wherever possible.</p> <p>8 They're both social workers.</p> <p>9 Q. So, let's talk about JHCN.</p> <p>10 You founded it. In part, its mission has always</p> <p>11 been -- and it's just one of the things, but its mission</p> <p>12 has certainly always been education, educating the</p> <p>13 caregiving community, hospitals, hospices, whomever you</p> <p>14 can, right, about specific cultural and religious needs</p> <p>15 of the Jewish population; right?</p> <p>16 A. Uh-huh.</p> <p>17 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>18 MR. MCGORISK: "Yes"?</p> <p>19 A. Yes.</p> <p>20 Thank you.</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. Okay. And that can include less formal sort of just</p> <p>23 encounters that, you know, sort of guide the caregiver,</p> <p>24 doctor, nurse in the moment, but it can also be up to,</p> <p>25 "Let's sit down in the seminar room and -- and I'll talk</p> | <p style="text-align: right;">Page 93</p> <p>1 initially, when we have an association with a hospice,</p> <p>2 we'll -- we'll try and drill down the Jewish customs</p> <p>3 that they should recognize that are relevant for going</p> <p>4 into the home, and, you know, what -- what "kosher"</p> <p>5 means and stuff like that.</p> <p>6 Q. Okay. The -- the conference you mentioned is called the</p> <p>7 Caring Coalition; correct?</p> <p>8 A. (Nods head.)</p> <p>9 THE REPORTER: I'm sorry. Is that --</p> <p>10 A. Yes.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Yes. Okay.</p> <p>13 Throughout the time -- what is your title today at</p> <p>14 JHCN?</p> <p>15 A. I'm the Executive Vice President. I'll -- the -- I</p> <p>16 think it's Exec- -- I --</p> <p>17 Q. It's like your age; right? You don't even -- yeah. You</p> <p>18 have to think about it.</p> <p>19 A. No. No, not my age. I just don't -- titles don't</p> <p>20 interest me that much.</p> <p>21 Q. Okay. All right.</p> <p>22 A. And my own titles.</p> <p>23 I'm the Executive Vice President, I think.</p> <p>24 Q. That changed in the last couple of years?</p> <p>25 A. Yeah.</p>                                                                                                                                                                                                                                                                                                                                                                   |

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| <p style="text-align: right;">Page 94</p> <p>1 Q. And what was it before?</p> <p>2 A. CEO.</p> <p>3 Q. There's a board of JHCN?</p> <p>4 A. Correct.</p> <p>5 Q. Bob Cahill and Patrick Miller and the Medical Director</p> <p>6 of Hospice of Michigan all sat on the advisory board of</p> <p>7 JHCN as well?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Correct?</p> <p>10 A. Uh-huh.</p> <p>11 THE REPORTER: I'm sorry. Is that --</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. Yeses and nos, if you can.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. If the --</p> <p>16 A. I'm sorry for being so loud.</p> <p>17 Q. Is the advisory board the same as the executive board?</p> <p>18 A. No.</p> <p>19 Q. Okay. So, did Bob and Patrick know that they were part</p> <p>20 of the advisory board?</p> <p>21 A. I can't answer if they knew or not, but they -- it's</p> <p>22 very likely that they didn't know or they didn't</p> <p>23 remember that we asked them somewhere along the line,</p> <p>24 and it was perfunctory and honorary, and it was a -- we</p> <p>25 used to have meetings. We don't have any meetings of</p>                                                                                                                                                                                                                                                                                                               | <p style="text-align: right;">Page 96</p> <p>1 Q. Okay.</p> <p>2 (Discussion held off the record.)</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. There's a different board which is your -- sort of like</p> <p>5 your board of directors, though; right?</p> <p>6 A. Executive board, yes.</p> <p>7 Q. Executive board. Thank you.</p> <p>8 And do you have a role on that board right now?</p> <p>9 A. I attend all the meetings. But as -- and as an officer,</p> <p>10 that's my role.</p> <p>11 Q. What -- what officer are you right now?</p> <p>12 A. Executive vice president, as I recall.</p> <p>13 Q. I see. Okay.</p> <p>14 And then so, before you became executive vice</p> <p>15 president, were you the chairman of the executive board</p> <p>16 when you were the CEO?</p> <p>17 A. No.</p> <p>18 Q. Who was chairman of the board?</p> <p>19 A. David Techner.</p> <p>20 THE REPORTER: Can you repeat the last name?</p> <p>21 A. David Techner, T-e-c-h-n-e-r.</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. And David is the person you mentioned earlier in the</p> <p>24 deposition who you thought about going into business</p> <p>25 with before you ever went to HOM?</p>                                                                                                             |
| <p style="text-align: right;">Page 95</p> <p>1 the advisory board any longer, but it's -- in some ways,</p> <p>2 it's called -- we call it window dressing. It's the</p> <p>3 people that we interact with on a regular basis in doing</p> <p>4 our work and that our -- you know, that we learn from</p> <p>5 them, they learn from us, and play a role as advisors.</p> <p>6 Q. Okay.</p> <p>7 A. You know, meaning, not advisors as a committee sitting</p> <p>8 in and deciding -- making decisions, but all of the</p> <p>9 people on that list are people that help us do our work</p> <p>10 and help train us as necessary, engage us, we engage</p> <p>11 them.</p> <p>12 Q. If -- I mean, did you put people on the advisory board</p> <p>13 without ever having a discussion with them about it?</p> <p>14 A. It might have -- have happened, you know, or it might</p> <p>15 have been a judgment. You call them six times, and you</p> <p>16 leave a message or send an e-mail and you take that</p> <p>17 as -- as an approval.</p> <p>18 So --</p> <p>19 Q. Okay.</p> <p>20 A. We -- we certainly tried to -- to make sure that</p> <p>21 everyone was aware.</p> <p>22 We didn't remind them a hundred times, you know.</p> <p>23 We would get them signed on and -- almost year-by-year,</p> <p>24 unless we heard from them, they don't want to be listed.</p> <p>25 It's more a listing than anything else.</p> | <p style="text-align: right;">Page 97</p> <p>1 A. Good point, yes.</p> <p>2 Q. Right? The same guy? Okay.</p> <p>3 Is there -- how many people are on that board?</p> <p>4 A. I think about 15.</p> <p>5 Q. Okay. And is there an executive committee of that board</p> <p>6 that is more routinely involved in operations?</p> <p>7 A. On paper there certainly is -- and yes.</p> <p>8 Q. And have you been on that executive committee as long as</p> <p>9 JHCN has existed?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Is there anyone on your -- on your executive</p> <p>12 board who you didn't invite to be part of JHCN?</p> <p>13 A. There might be. Rabbi Joey Krakoff plays a role in that</p> <p>14 now and -- and he engages people, but no one gets on the</p> <p>15 board without he and I having a conversation about it.</p> <p>16 So --</p> <p>17 Q. Can you name anyone that you didn't invite that is on</p> <p>18 the board right now?</p> <p>19 A. Yeah. I'm not good at -- I am not good at remembering</p> <p>20 names, so it will come to me.</p> <p>21 There's two people that I'm keeping in mind, but</p> <p>22 I -- the names will probably pop up.</p> <p>23 Q. Okay. But they're --</p> <p>24 A. When they do, I'll --</p> <p>25 Q. To your point, there's a couple?</p> |

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| Page 98                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1 A. Yeah. There's a couple. Yeah.</p> <p>2 Q. Okay. Okay. And those people would be people that</p> <p>3 Rabbi Krakoff invited?</p> <p>4 A. Yeah.</p> <p>5 Q. How did you meet Rabbi Krakoff for the very first time?</p> <p>6 Is he a friend of the family or professionally or</p> <p>7 how?</p> <p>8 A. Rabbi Krakoff was the rabbi of a very large</p> <p>9 congregation, Schaarai Zedek, and he was a rabbi for 16</p> <p>10 years. And prior to working for JHCN, I was quite</p> <p>11 familiar with him, and we interacted, like I did with so</p> <p>12 many other rabbis in the community.</p> <p>13 And it was David Techner when Rabbi Krakoff was</p> <p>14 leaving Schaarai Zedek that recommended that he could --</p> <p>15 could make a possible good understudy and be part of a</p> <p>16 succession plan.</p> <p>17 Q. And when in time is that?</p> <p>18 A. About 2015.</p> <p>19 Q. Okay. Before 2015 was Rabbi Krakoff one of the people</p> <p>20 who, from time to time, worked as a spiritual care</p> <p>21 advisor at Hospice of Michigan?</p> <p>22 A. He was not official -- one of the -- he was not one of</p> <p>23 those eight rabbis that -- and -- and was a part-time</p> <p>24 employee. He was never a part-time employee, but he</p> <p>25 was -- as we do with almost all the rabbis in town at</p> | <p>1 A. Who showed up on --</p> <p>2 Q. -- before 2015 who would be giving spiritual care;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And not only did he do that, but Jewish Hospice</p> <p>6 Chaplaincy Network presented it as a relationship that</p> <p>7 he had with JHCN; right? That he was one of the rabbis</p> <p>8 affiliated with JHCN; right?</p> <p>9 A. Please make more clear.</p> <p>10 He was affiliated? That's like a very loose word,</p> <p>11 he was "affiliated." If he stopped by to say "hello,"</p> <p>12 he might be affiliated.</p> <p>13 What does "affiliation" mean?</p> <p>14 Q. Well, there came a time when you counted up all of the</p> <p>15 pastoral care that JHCN was coordinating and helping HOM</p> <p>16 receive from the Jewish community; right? And you would</p> <p>17 tally it up and you would say look at all the value -- I</p> <p>18 mean, I -- you didn't say it exactly, these words, but</p> <p>19 you would tally it up and meet with JHCN and -- or HOM</p> <p>20 and say, "Look, we're bringing you all these different</p> <p>21 rabbis to work for you."</p> <p>22 Do you recall doing that?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p> <p>25 A. Here, for this, after I saw the -- the -- the</p> |
| Page 99                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 sometime or another, we're talking to -- would be</p> <p>2 talking to him, and -- and it was frequent. He was very</p> <p>3 active in pastoral care. And --</p> <p>4 Q. So, is that a yes, that he was a spiritual care advisor</p> <p>5 before 2015?</p> <p>6 A. He was -- his title was pulpit rabbi for Schaarai Zedek.</p> <p>7 He was doing spiritual care for Schaarai Zedek people.</p> <p>8 And often in that, he would call us or we would call him</p> <p>9 to get involved in one of the patients we were working</p> <p>10 with. So --</p> <p>11 Q. I guess what I -- I want to -- let me put it this way.</p> <p>12 You attended these IDT meetings at HOM?</p> <p>13 A. Uh-huh.</p> <p>14 THE REPORTER: I'm sorry. Is that --</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Yeses and nos.</p> <p>17 A. Yes.</p> <p>18 Q. And along the line, one of the things you would do with</p> <p>19 Natalie there is that, one or both of you would go</p> <p>20 through this -- who -- which patients were the Jewish</p> <p>21 patients and you would say this rabbi is on their care</p> <p>22 plan, that rabbi is on their care plan?</p> <p>23 A. Uh-huh.</p> <p>24 Q. The third rabbi -- and -- and Rabbi Krakoff was one of</p> <p>25 those people before --</p>                                                                      | <p>1 depositions from Patrick and -- and -- I forget her --</p> <p>2 the other person's --</p> <p>3 Q. Myers.</p> <p>4 A. Myers, yeah, I tabulated an estimation. And I</p> <p>5 include -- it's in that book somewhere that -- you know,</p> <p>6 that we provide based on -- I took a sample -- whatever.</p> <p>7 I did some kind of calculation and it came up that we're</p> <p>8 giving about \$670,000 worth of care that it costs us,</p> <p>9 not necessarily the reimbursement they get.</p> <p>10 I don't ever recall factoring the income that they</p> <p>11 make on -- on our patients.</p> <p>12 Q. But did you not hold out a whole set of congregational</p> <p>13 rabbis as people who were affiliates of JHCN, and JHCN</p> <p>14 would assist?</p> <p>15 You would be the one responsible for attending the</p> <p>16 IDT to say that their name was -- and that they were</p> <p>17 seeing Ms. So-and-So or Mr. So-and-So, and they were</p> <p>18 affiliates of JHCN.</p> <p>19 You did that; right?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay.</p> <p>22 A. I don't recall. Yeah.</p> <p>23 Q. Well, then let's look at Exhibit 3.</p> <p>24 A. Uh-huh.</p> <p>25 Q. This is the one that -- you should have a marked one</p>            |

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| <p style="text-align: right;">Page 102</p> <p>1 there.</p> <p>2 A. Okay.</p> <p>3 Q. And you also have it in your notebook, but --</p> <p>4 A. Yeah.</p> <p>5 Q. Exhibit --</p> <p>6 A. Oh, right. You gave it to me earlier. Correct.</p> <p>7 Q. Okay.</p> <p>8 A. Thank you.</p> <p>9 Q. All right. At the bottom of page 1, you talk about the</p> <p>10 JHCN rabbinical team of ten rabbis, in the</p> <p>11 third-from-the-bottom bullet point.</p> <p>12 A. Uh-huh.</p> <p>13 Q. And then in the second-from-the-bottom bullet point, you</p> <p>14 reference congregational rabbis, and you say -- this is</p> <p>15 under Benefits to Hospice of Michigan. You say:</p> <p>16 "Access to approximately 30 congregational</p> <p>17 rabbis who are affiliated with --"</p> <p>18 it says --</p> <p>19 "-- JHCN and have received specific training</p> <p>20 in working with hospice patients."</p> <p>21 A. Yes.</p> <p>22 Q. Does that make sense?</p> <p>23 A. It says there on it. Yes.</p> <p>24 Q. Right.</p> <p>25 A. I wrote that.</p>                                                                                                                                                                                                                                                                                                                                                                                                                  | <p style="text-align: right;">Page 104</p> <p>1 didn't mean --</p> <p>2 Q. Not on payroll; correct?</p> <p>3 A. Not on payroll. We didn't pay these rabbis to go visit</p> <p>4 them, you know. So, when they went to visit people --</p> <p>5 and I have to make one exception, but let me make this</p> <p>6 clear.</p> <p>7 When they went to visit, these rabbi -- these</p> <p>8 patients, they were -- generally speaking, they were</p> <p>9 members of their congregation or former members of</p> <p>10 congregation.</p> <p>11 We always ask, as a matter of course, when we -- we</p> <p>12 take on a new patient, we ask them, "Do you -- is there</p> <p>13 a rabbi in your life?"</p> <p>14 That's how we ask the question, because we don't</p> <p>15 want to imply that you should have a rabbi or you don't</p> <p>16 have a -- or you do have. "Is a rabbi in your life?"</p> <p>17 And then we say, "Would you like us to contact</p> <p>18 them?"</p> <p>19 That's what I mean there, and that's what we have</p> <p>20 always done.</p> <p>21 One of the reasons we do it for our own interests</p> <p>22 is we don't want rabbis to think that we're taking over</p> <p>23 their role, and we really don't want to take over their</p> <p>24 role because they're the rabbi.</p> <p>25 Q. Okay. So, before -- how we all got on this is, I was</p> |
| <p style="text-align: right;">Page 103</p> <p>1 Q. And so that's what I meant.</p> <p>2 That you had these rabbinical -- excuse me -- these</p> <p>3 congregational rabbis who were affiliates of JHCN, and</p> <p>4 you told Hospice of Michigan, "They're our affiliates,</p> <p>5 and they can provide care -- spiritual care to your</p> <p>6 patients"; right?</p> <p>7 A. "Affiliates" is just a word saying they're associated</p> <p>8 with us, would be synonymous with that. They were</p> <p>9 associated with us. I said in that line that I would</p> <p>10 help get access to those rabbis.</p> <p>11 Q. Right.</p> <p>12 A. I have a telephone list of all these people. I know</p> <p>13 these people, and -- and we could make sure that they're</p> <p>14 interacting as best as I can.</p> <p>15 I had no power over them and no way -- they -- I</p> <p>16 didn't -- wasn't claiming, using the word "affiliate" to</p> <p>17 say that these people are on our payroll or they -- they</p> <p>18 swore on a document that they would join us. I say</p> <p>19 they're affiliated because these are people that I had</p> <p>20 called or will call or do call, and I know them. I</p> <p>21 attended -- I was a member of the Michigan Board of</p> <p>22 Rabbis.</p> <p>23 So -- so, all people that I could say I was</p> <p>24 affiliated with personally, but they had no</p> <p>25 officialdom -- official role with Jewish Hospice, and I</p> | <p style="text-align: right;">Page 105</p> <p>1 asking you about Krakoff. And I said -- you said he</p> <p>2 came to JHCN in 2015; that Techner had recommended him.</p> <p>3 He was leaving his congregation. And I asked was he a</p> <p>4 spiritual care advisor for Hospice of Michigan patients</p> <p>5 before 2015.</p> <p>6 So, now that we've gone through the congregational</p> <p>7 rabbis and what you've just told us, was Krakoff, before</p> <p>8 2015, one of the congregational rabbis who would see</p> <p>9 patients?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And in that role, he was not paid by Hospice of</p> <p>12 Michigan to your knowledge; right?</p> <p>13 A. (Nods head.)</p> <p>14 THE REPORTER: I'm sorry. Is that --</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Correct?</p> <p>17 A. Correct.</p> <p>18 Q. And then when he does come to JHCN and -- is he now what</p> <p>19 you would consider part of JHCN's rabbinical team?</p> <p>20 A. Yes.</p> <p>21 Q. And he's paid by JHCN to do what when he comes?</p> <p>22 What is his job when he comes to JHCN?</p> <p>23 A. 2015?</p> <p>24 Back in 2015?</p> <p>25 Q. Yes.</p>                                                                                                                                                                                                           |

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| Page 106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p>1 What is his job?</p> <p>2 A. It evolved, but it started as -- while you're</p> <p>3 searching -- here is how it -- I'll give you the</p> <p>4 narrative.</p> <p>5 "While you're searching for your next role in -- in</p> <p>6 life, why don't you come work with us and get a taste of</p> <p>7 what it means working for us, and let us see --" and as</p> <p>8 I refer to it, "Let's date before we get married."</p> <p>9 Q. Okay.</p> <p>10 A. And the -- so, he came to work with us part-time. I</p> <p>11 should note without any specific hours, and he was going</p> <p>12 to give us -- the conversation was about half his time.</p> <p>13 And -- and he -- he'll get trained by us in pastoral</p> <p>14 care, and he'll get to know a few hospices, and he'll</p> <p>15 tag along with people and shadow them, and then learn</p> <p>16 what this organization is all about.</p> <p>17 And it evolved into many, many conversations with</p> <p>18 me and -- and my people that were there at the time.</p> <p>19 And it turned into where he became a full-time</p> <p>20 rabbi with us. And that took about a year or two until</p> <p>21 that happened and -- where he decided this is where he</p> <p>22 wants to stick around for at least the meanwhile. If I</p> <p>23 recall, he wanted to stay around at least until his kids</p> <p>24 grew up, went beyond high school. And as it turned out,</p> <p>25 he became a full-time rabbi with us.</p> | <p>1 A. Fully employed.</p> <p>2 Q. Fully employed?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And am I right in thinking that he is -- again,</p> <p>5 I -- he wasn't assigned to only do that at Hospice of</p> <p>6 Michigan; right?</p> <p>7 A. Correct.</p> <p>8 Q. Have you and Rabbi Krakoff always, as long as you have</p> <p>9 both been fully employed, full-time employed by JHCN,</p> <p>10 always engaged in pastoral care?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Your document that's in the notebook, it talks</p> <p>13 about how there came a time where the patient load was</p> <p>14 too high and you started to more delegate to some of</p> <p>15 these -- the rabbinical team; right?</p> <p>16 A. Uh-huh.</p> <p>17 MR. MCGORISK: "Yes"?</p> <p>18 A. Yes.</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. Do you know what percentage of your time was in direct</p> <p>21 caregiving to individuals in 2017 to 2021?</p> <p>22 A. I couldn't answer that question.</p> <p>23 Q. Okay. Without charge, as long as it has existed, JHCN</p> <p>24 has provided to Jewish people who come for care a</p> <p>25 coordination effort between, you know, different</p>                                                                                                                     |
| Page 107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 109                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1 Q. Okay. At no time was he hired for servicing Hospice of</p> <p>2 Michigan particularly; am I -- is that fair?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. So, what are his job duties? I understand he got</p> <p>5 some training and whatnot, but what is his -- what are</p> <p>6 his job duties once he takes on the full-time role?</p> <p>7 A. Pastoral care, development and fundraising, taking on</p> <p>8 select roles of management, sort of my assistant</p> <p>9 associate or, you know -- you know, and sharing some of</p> <p>10 my roles or taking over pieces of my role.</p> <p>11 And at a -- yeah.</p> <p>12 Q. Okay. We talked about one of the roles of Hospice of</p> <p>13 Michigan -- or -- excuse me -- JHCN from the day you</p> <p>14 founded it was community engagement, community</p> <p>15 visibility, breaking down barriers, educating hospices</p> <p>16 and hospitals and caregivers.</p> <p>17 Did you -- have you always done that work as long</p> <p>18 as JHCN has been in existence?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did Rabbi Krakoff join in that very work?</p> <p>21 And we talked about, it could be a seminar; it</p> <p>22 could be the Caring Coalition; it could be the Holocaust</p> <p>23 Museum. More -- much more casual interactions about the</p> <p>24 holidays or the custom -- did he always do that</p> <p>25 educational piece as long as he's been employed?</p>                                          | <p>1 entities and agencies? That's -- that's universal;</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. And that's not special that -- something it only does</p> <p>5 for people who go to Hospice of Michigan; right?</p> <p>6 A. Correct.</p> <p>7 Q. Have you been involved at some level in coordination</p> <p>8 efforts for Jewish patrons or -- or, I guess, what do</p> <p>9 you call your -- the people who come to JHCN?</p> <p>10 "Patients" or --</p> <p>11 A. We do call them "patients."</p> <p>12 Q. "Patients." Okay.</p> <p>13 For those who are -- have become patients of JHCN,</p> <p>14 have you been involved in the coordination effort as</p> <p>15 long as it's existed?</p> <p>16 A. Yes.</p> <p>17 Q. And as long as he's been full-time, Krakoff has been</p> <p>18 involved, right, in -- in coordinating care?</p> <p>19 A. On different levels, yes.</p> <p>20 Q. And you have talked about enrichments, and that this is</p> <p>21 a benefit that's given to your patients and to sometimes</p> <p>22 their families, and you've talked about social work.</p> <p>23 And yesterday Natalie talked about whether it's</p> <p>24 music or hair and nails or cultural celebrations, those</p> <p>25 enrichments are offered and have -- through JHCN have</p> |



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| <p style="text-align: right;">Page 110</p> <p>1 always been from its inception?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. Earlier years, it wasn't there.</p> <p>5 Q. Okay. That's developed over time?</p> <p>6 A. Right.</p> <p>7 Q. As long as it's existed -- and each program may have</p> <p>8 come online at different times or it may have come and</p> <p>9 gone, but as long as the different programming of</p> <p>10 enrichments have existed, have they been provided to</p> <p>11 hospices outside of Hospice of Michigan, patients who</p> <p>12 are, you know, enrolled or enlisted as patients, whether</p> <p>13 they're HOM or any other hospice?</p> <p>14 A. I would add something to that and say --</p> <p>15 Q. Okay.</p> <p>16 A. -- it was -- been offered to all of our patients that</p> <p>17 are not on hospices, not on palliative care, not -- what</p> <p>18 we would call supportive care that were -- numerous -- a</p> <p>19 big piece of our census is supportive care earlier than</p> <p>20 even an assignment to a palliative care program.</p> <p>21 So, yes, to all our patients, we -- we offer it.</p> <p>22 And I'd say -- yeah --</p> <p>23 Q. Okay.</p> <p>24 A. -- the answer to your question, I think.</p> <p>25 Q. And -- and for what -- all of these different -- we</p> | <p style="text-align: right;">Page 112</p> <p>1 exist, you would go on, as your organization, to provide</p> <p>2 all these same services to Jewish people in Michigan,</p> <p>3 wouldn't you?</p> <p>4 A. Yes.</p> <p>5 MR. MCGORISK: Objection. Improper hypothetical.</p> <p>6 Requires speculation on the part of the witness.</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. Okay. If you look at the Natalie Exhibit 1, which is</p> <p>9 the notebook -- oh, I think we have it down here.</p> <p>10 MS. PRESCOTT: Would you guys mind passing that up?</p> <p>11 Or I guess --</p> <p>12 MS. SMITH-MORRIS: I think he has --</p> <p>13 A. I have one -- I have one right in front of me.</p> <p>14 BY MS. PRESCOTT:</p> <p>15 Q. Let's look at the first few pages. They have numbers on</p> <p>16 the top right corner.</p> <p>17 See if you can see what I mean.</p> <p>18 The first one is marked Section 1.</p> <p>19 A. Uh-huh.</p> <p>20 MR. MCGORISK: "Yes?"</p> <p>21 A. Is that what you want?</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. Are you at Section 1 in the exhibit on page 2?</p> <p>24 A. Page -- yes.</p> <p>25 Q. Okay. Who did you make -- who -- who made this</p>                                                                                                                                                                                                                                                                                                                         |
| <p style="text-align: right;">Page 111</p> <p>1 covered, you know, some of the -- the education and the</p> <p>2 enrichments and the care coordination and the pastoral</p> <p>3 care, patients do not pay for that directly. You've</p> <p>4 already said that; right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Your point, as the charitable organization, is to</p> <p>7 provide this as your mission?</p> <p>8 A. Correct.</p> <p>9 Q. Regardless of payment; right?</p> <p>10 A. Uh-huh.</p> <p>11 THE REPORTER: I'm sorry. Is that -- is that</p> <p>12 "yes"?</p> <p>13 A. Did I say -- I said --</p> <p>14 BY MS. PRESCOTT:</p> <p>15 Q. Yeses -- I think you said "uh-huh."</p> <p>16 A. Oh, I'm sorry.</p> <p>17 Yes, correct. Uh-huh.</p> <p>18 Q. If Hospice of Michigan did not exist, if you never</p> <p>19 worked there but you still had JHCN, you would still be</p> <p>20 providing the education, the outreach, the enrichments</p> <p>21 to the Jewish patients to other hospices; right?</p> <p>22 MR. MCGORISK: Objection. Improper hypothetical.</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Go ahead.</p> <p>25 If Hospice of Michigan were erased, if it didn't</p>                                                                                                                                           | <p style="text-align: right;">Page 113</p> <p>1 document?</p> <p>2 A. Natalie and I.</p> <p>3 Q. Okay. Who did you make it for?</p> <p>4 A. For Natalie and I.</p> <p>5 Q. Why did you make it?</p> <p>6 A. Because we learned of the -- this ongoing thing, and we</p> <p>7 finally -- I mean, we heard the word "whistleblower." I</p> <p>8 don't know when, but it took a while until I understood,</p> <p>9 at least, that it was about -- had to do with us at all.</p> <p>10 And then it was a while before I learned that we were</p> <p>11 integrally involved. And well after papers were served,</p> <p>12 I learned that I was served personally.</p> <p>13 And at that point, Natalie and I -- and I -- when</p> <p>14 we learned that Natalie was included and I was included,</p> <p>15 we sat down and we wrote this document to basically show</p> <p>16 the first part, Section 1, the first, that anyone that</p> <p>17 would think that we made referrals or kickback or took</p> <p>18 kickbacks for referral are mistaken. It's not the</p> <p>19 foundation of -- of our organization, nor is it our</p> <p>20 practice of our organization, and never have we ever</p> <p>21 talked to any organization -- and I'll say that I know</p> <p>22 that I'm under oath -- about any kind of remuneration</p> <p>23 other than paying for people -- agencies paying for the</p> <p>24 services directly given to them.</p> <p>25 Q. Okay. So, the answer to the question is, this document</p> |



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| <p style="text-align: right;">Page 114</p> <p>1 that's got the page numeration, and it goes 2, 3 -- it's</p> <p>2 across different sections -- I think it goes up to</p> <p>3 page -- let's see -- 14 eventually in the exhibit?</p> <p>4 A. Do you know what?</p> <p>5 Q. That's the document you and Natalie made when you knew</p> <p>6 you would be questioned in the lawsuit; right?</p> <p>7 A. I don't have pagination(sic) on some of this stuff.</p> <p>8 Q. Some of it skips.</p> <p>9 A. I don't know. Yeah.</p> <p>10 Q. But there are a total of 13 --</p> <p>11 A. It -- some of it -- it -- if you -- where did you</p> <p>12 find --</p> <p>13 MS. PRESCOTT: Can we have the exhibit? Because I</p> <p>14 don't want him to be -- if he has something that I</p> <p>15 don't.</p> <p>16 A. Okay. I see -- okay. I'm -- I have it under a</p> <p>17 different -- 6, 7 --</p> <p>18 MS. PRESCOTT: There's the other exhibit.</p> <p>19 A. Okay. I'm -- I'm getting there, I believe. Okay. I</p> <p>20 got --</p> <p>21 MS. PRESCOTT: I marked --</p> <p>22 (Discussion held off the record.)</p> <p>23 A. Okay. Yes. Through 15.</p> <p>24 Through 14. I have it.</p> <p>25 BY MS. PRESCOTT:</p> | <p style="text-align: right;">Page 116</p> <p>1 But we -- like currently, if there's a new hospice</p> <p>2 that comes to us or we call on or we end up interacting</p> <p>3 with them, they'll get a -- a thorough, you know,</p> <p>4 introduction to JHCN 101, let us say, and they'll get a</p> <p>5 full discussion of all of the above.</p> <p>6 Q. Okay. Let me ask it a different way.</p> <p>7 JHCN doesn't distinguish between what Hospice of</p> <p>8 Michigan has access to or gets compared to these other</p> <p>9 entities on 10 and 11?</p> <p>10 A. Correct.</p> <p>11 Q. And earlier you mentioned two hospices where somebody is</p> <p>12 paid -- that's in the record. We don't need to review</p> <p>13 it. We covered it.</p> <p>14 But looking at the list on 10 and 11, are there any</p> <p>15 other hospices that have any payment to any individual</p> <p>16 or to JHCN itself for any services?</p> <p>17 A. So, there -- there are a couple that were with us and</p> <p>18 are no longer with us, as -- as paid.</p> <p>19 Q. Okay.</p> <p>20 A. So, that would be looking at residential, St. John's,</p> <p>21 which went under a different name.</p> <p>22 Even VITAS, who went out of business a long time</p> <p>23 ago.</p> <p>24 You know, there's -- there might be a few other</p> <p>25 places that were -- we had some financial arrangement</p> |
| <p style="text-align: right;">Page 115</p> <p>1 Q. Okay. So, this -- the document that's got the page</p> <p>2 numbers in the upper right corner --</p> <p>3 A. Yeah.</p> <p>4 Q. -- that's the document you and Natalie made, as you just</p> <p>5 testified; right?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. I wanted to go to page 10.</p> <p>8 There's a list of hospitals and hospices?</p> <p>9 A. Uh-huh.</p> <p>10 MR. MCGORISK: "Yes"?</p> <p>11 A. Yes.</p> <p>12 MR. MCGORISK: It's all right.</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Did you provide the educational, the outreach, the</p> <p>15 enrichment, the coordination of care and the pastoral</p> <p>16 services we just covered to patients at all of the</p> <p>17 entities on pages 10 and 11 --</p> <p>18 A. I would --</p> <p>19 Q. -- for the patients and the staffs of these?</p> <p>20 A. I would qualify the answer as being much of our services</p> <p>21 evolved.</p> <p>22 So, if you got training -- Beaumont, for instance,</p> <p>23 got training in 2005 or a different animal today -- and</p> <p>24 did we train them in every part of it that you</p> <p>25 mentioned? Maybe not.</p>                                 | <p style="text-align: right;">Page 117</p> <p>1 with. Oh, VNA, yeah, Mission was -- was paid at one</p> <p>2 time, Beaumont, Kindred in a different iteration of</p> <p>3 Kindred.</p> <p>4 Oh, no, no. Great Lakes Caring is -- is -- also</p> <p>5 paid us at some point. Ascension at one point.</p> <p>6 There's possibly a few more.</p> <p>7 So, there were many that we have -- I think there's</p> <p>8 four now, and there's many that paid us at some point.</p> <p>9 Q. Okay.</p> <p>10 A. Paid us or individuals, rabbis.</p> <p>11 Q. Which entities paid you individually personally, like a</p> <p>12 check to your home or to your name?</p> <p>13 A. Only Hospice of Michigan.</p> <p>14 Q. Okay. So, who did the St. John's and VITAS and VNA and</p> <p>15 Beaumont and whatnot pay?</p> <p>16 A. There were about -- over time, when we were preparing</p> <p>17 this, we got a sense that there were 20 or 25 -- I can't</p> <p>18 say -- 20 or 25 instances where agencies paid some of</p> <p>19 our employees.</p> <p>20 Are you following what I'm saying?</p> <p>21 Do -- do you understand?</p> <p>22 Q. Is it 25 different entities that paid --</p> <p>23 A. Yes.</p> <p>24 Q. -- or 25 moments in time?</p> <p>25 A. It's not people. You asked me about people.</p>                                                                                           |

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| <p style="text-align: right;">Page 118</p> <p>1 Q. Yeah.</p> <p>2 A. I would say there were about 25 different entities that</p> <p>3 have paid some of our people at some point.</p> <p>4 Q. Okay. And so maybe I'm extrapolating -- and don't let</p> <p>5 me go too far, but are you saying that it's -- the</p> <p>6 number is high enough that you're not going to be able</p> <p>7 to remember who got paid when or by whom?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. The ones that you've just mentioned that you did</p> <p>10 recall by looking at the exhibit, those relationships</p> <p>11 have all ended where there is no longer pay or it's</p> <p>12 ongoing?</p> <p>13 A. I think today there are three or possibly four agencies</p> <p>14 that do pay our employees.</p> <p>15 Q. And are those the ones that you already testified</p> <p>16 about?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. All right.</p> <p>19 A. I might have missed one there. I -- I think there's</p> <p>20 four, but I think I only named three.</p> <p>21 Q. Whether Beaumont, for example, paid at one point and</p> <p>22 then stopped paying, did Beaumont continue to get</p> <p>23 outreach, educational services, enrichments, pastoral</p> <p>24 care, et cetera?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 120</p> <p>1 A. Uh-huh.</p> <p>2 MR. MCGORISK: "Yes"?</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. -- is that -- that's what you're looking at?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. That document was given to Hospice of Michigan</p> <p>7 from time to time; right?</p> <p>8 Not this exact one because it was constantly</p> <p>9 updated.</p> <p>10 A. I can't be sure of that.</p> <p>11 Q. You don't know whether JHCN gave the total patient</p> <p>12 census to Hospice of Michigan?</p> <p>13 A. JHCN -- their data system developed this for us, and --</p> <p>14 MR. MCGORISK: You mean HOM?</p> <p>15 A. -- they have access to it.</p> <p>16 HOM. I'm sorry. Thank you.</p> <p>17 HOM has been providing us data, and that's been the</p> <p>18 subject of other questions along the line. And these</p> <p>19 documents are created on their system.</p> <p>20 All- -- Allscripts, at the last --</p> <p>21 THE REPORTER: I'm sorry?</p> <p>22 MS. PRESCOTT: All- --</p> <p>23 A. Allscripts is the brand name of the system they're</p> <p>24 using.</p> <p>25 And so they have Allscripts and they were kindly</p> |
| <p style="text-align: right;">Page 119</p> <p>1 Q. Okay. And I picked on Beaumont, but that would be the</p> <p>2 same for Ascension or St. John's.</p> <p>3 In other words, they weren't -- the paying or not</p> <p>4 paying the care is still given?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. That particular point, yes. That -- the service comes</p> <p>8 no matter what.</p> <p>9 Q. Hospice of Michigan, from time to time, received census</p> <p>10 documents from JHCN.</p> <p>11 Is that familiar to you?</p> <p>12 Like who JHCN was tracking and caring for.</p> <p>13 Is that familiar?</p> <p>14 A. You mean our general census where the stuff --</p> <p>15 Q. Yeah. It's a spreadsheet that shows where everyone is;</p> <p>16 right?</p> <p>17 A. Yeah. Uh-huh.</p> <p>18 Q. So big, so heavy.</p> <p>19 I'll just pull it out.</p> <p>20 A. Somewhere in the next five minutes, I would like to take</p> <p>21 a restroom break.</p> <p>22 Q. Sure thing. Let me just get this -- it's not --</p> <p>23 The PHI has been eliminated from the version I just</p> <p>24 handed you, but does the JHCN total patient census that</p> <p>25 I handed you --</p>                                                                                                         | <p style="text-align: right;">Page 121</p> <p>1 provided to us.</p> <p>2 So, this -- this may be available to them. So, I</p> <p>3 want to make that clear, you know.</p> <p>4 Was it provided? Does that -- did we provide it to</p> <p>5 them?</p> <p>6 Did we -- I don't know where we would have to have</p> <p>7 provided it if they wanted it because they could have it</p> <p>8 on their own if they wanted to.</p> <p>9 But I don't know if anyone handed them these</p> <p>10 documents.</p> <p>11 MS. PRESCOTT: Okay. Did you need a break?</p> <p>12 A. I do.</p> <p>13 (Deposition recessed at 12:20 p.m.)</p> <p>14 * * *</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p style="text-align: right;">Page 122</p> <p>1 Wednesday, March 13, 2024</p> <p>2 Bloomfield Hills, Michigan</p> <p>3 1:28 p.m.</p> <p>4 * * *</p> <p>5 (Deposition resumed pursuant to</p> <p>6 its recess; parties present, same</p> <p>7 as before. Mr. Herschfus is</p> <p>8 present after the break.)</p> <p>9 * * *</p> <p>10 RABBI ELCHONON BUNIM "BUNNY" FREEDMAN,</p> <p>11 after having been previously duly sworn, was examined</p> <p>12 and testified further as follows:</p> <p>13 EXAMINATION (Continued)</p> <p>14 BY MS. PRESCOTT:</p> <p>15 Q. Okay. Do you have any affiliation with Jewish Family</p> <p>16 Services?</p> <p>17 A. Yes.</p> <p>18 Q. What is your -- what is it?</p> <p>19 A. I'm trying to turn my phone off. I'm sorry.</p> <p>20 And someone just -- a spam call just hit me.</p> <p>21 I'm sorry. Let's go.</p> <p>22 The Jewish Family Service.</p> <p>23 We are providing space at Jewish Family Service</p> <p>24 where our headquarters are at a very reduced rate and</p> <p>25 with much accommodation, and we try to work as -- as</p>                                                                                                                                                                                                              | <p style="text-align: right;">Page 124</p> <p>1 be a -- a person who was paid by Hospice of Michigan?</p> <p>2 A. I did.</p> <p>3 Q. And was this a conversation with the two of you at</p> <p>4 first, or was it a larger setting with others?</p> <p>5 A. The first conversation was directly with Patrick alone,</p> <p>6 the two of us.</p> <p>7 Q. All right. And --</p> <p>8 THE REPORTER: Can you take your hand down? Sorry.</p> <p>9 A. Thank you.</p> <p>10 BY MS. PRESCOTT:</p> <p>11 Q. It's covering.</p> <p>12 A. I get it. I got it.</p> <p>13 Q. Did you make a proposal of what the -- that they're --</p> <p>14 they could pattern it on the same relationship I've had</p> <p>15 with you, Patrick; give him a contract? Is that how it</p> <p>16 basically started?</p> <p>17 A. Uh-huh.</p> <p>18 MR. MCGORISK: "Yes"?</p> <p>19 THE REPORTER: Is that --</p> <p>20 A. Yes.</p> <p>21 Sorry.</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. What was his -- what do you recall being his initial</p> <p>24 reaction?</p> <p>25 A. I remember it not exactly, but I remember leaving,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p style="text-align: right;">Page 123</p> <p>1 combatively and synergist with them, and we're -- most</p> <p>2 of the time it works pretty well.</p> <p>3 Q. Are you employed there?</p> <p>4 A. No.</p> <p>5 Q. Okay. Did you come to the conclusion that you were --</p> <p>6 would like to start planning for your retirement in</p> <p>7 2020?</p> <p>8 A. Correct.</p> <p>9 Q. And was the idea -- was one of your ideas that</p> <p>10 Rabbi Krakoff would take over the role as CEO, even all</p> <p>11 the way back in 2020?</p> <p>12 A. I think it's safe to say that.</p> <p>13 Q. And did you -- did you kind of originally plan that --</p> <p>14 maybe about a two-and-a-half-year sort of handoff period</p> <p>15 and, at the end of about two and a half years, you would</p> <p>16 hand off and retire from the role?</p> <p>17 A. The -- the number -- the idea is correct, but it was a</p> <p>18 five-year idea.</p> <p>19 Q. I see.</p> <p>20 Did you communicate the idea that you wanted to</p> <p>21 potentially retire and transition out to Patrick Miller</p> <p>22 at Hospice of Michigan in late 2020?</p> <p>23 A. I don't remember the exact timing but that seems to make</p> <p>24 sense.</p> <p>25 Q. All right. And did you ask him if Rabbi Krakoff could</p> | <p style="text-align: right;">Page 125</p> <p>1 feeling that Patrick was -- was happy to make this</p> <p>2 happen and thought it was a good idea and thought it was</p> <p>3 thoughtful on my part to keep the, you know, succession</p> <p>4 including Hospice of Michigan into the plan.</p> <p>5 That's how I remember it. And based on more</p> <p>6 emotion and reaction than remembering all the words.</p> <p>7 Q. Exact words. I understand.</p> <p>8 Okay. So, that sort of valence or sentiment of how</p> <p>9 the -- it was received, did that continue on until the</p> <p>10 agreement was ratified or entered with Rabbi Krakoff.</p> <p>11 A. We never ratified or entered an agreement to my</p> <p>12 knowledge.</p> <p>13 Q. All right. Did that feeling or sentiment on your part</p> <p>14 that it was positively received by Patrick ever change?</p> <p>15 A. So, what transpired after that meeting is -- it was</p> <p>16 COVID time, and time was choppy, you know. There were</p> <p>17 periods -- you know, there were periods of breaks in</p> <p>18 people's relationships all over the place. But sort of</p> <p>19 Patrick went silent with me, and it -- you know, to use</p> <p>20 a vernacular, I felt like he was ghosting me and not</p> <p>21 getting back with an answer. And I was not even</p> <p>22 pressing him to get it started but to -- to give us an</p> <p>23 answer, you know, which had a lot of implications,</p> <p>24 different ways, you know, him starting going to meetings</p> <p>25 initially and, you know, RD- -- RDT and IDG.</p> |

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| <p style="text-align: right;">Page 126</p> <p>1 And we -- it was getting more frustrating as time</p> <p>2 went on, and I was getting more perturbed as time went</p> <p>3 on. And I have no idea why he wasn't getting back to</p> <p>4 me, and he wasn't telling me anything about any other</p> <p>5 goings on except blowing me off and saying, "Yeah, we'll</p> <p>6 meet. I've got to run it up the flagpole," or whatever</p> <p>7 he said to me, and it wasn't coming to fruition.</p> <p>8 Q. As the fall goes into the beginning of 2021, he starts</p> <p>9 also pressuring you for how many people are we really</p> <p>10 servicing that are JHCN patients, isn't he?</p> <p>11 A. I don't recall that.</p> <p>12 Q. Okay. Did you start to give him some of the census</p> <p>13 information that was in the document when we left off?</p> <p>14 A. I don't recall that either.</p> <p>15 Q. Okay. Did you start to report to him, hey, look, you're</p> <p>16 getting a large chunk of all of our patients, like not</p> <p>17 just -- in other words, hey, we're servicing 50 but also</p> <p>18 giving him the denominator of the fraction. Like we're</p> <p>19 giving you a big chunk?</p> <p>20 A. I don't know if I did that in conversation or provided</p> <p>21 documents. I'm sure that was a tone in saying, hey, you</p> <p>22 know, it -- it's worth your while. You know, all these</p> <p>23 things -- services we're giving you for -- for our</p> <p>24 patients and joint patients and, you know, we're</p> <p>25 spending a whole lot -- when I had any conversations</p> | <p style="text-align: right;">Page 128</p> <p>1 no fee to you, but understand that, when we get into --"</p> <p>2 and this is the language I use. "When we get into</p> <p>3 double-digit patients, it's going to be an important</p> <p>4 service for the two of us that we have very tight</p> <p>5 communication, and you have one rabbi that takes</p> <p>6 responsibility."</p> <p>7 And I've told that to Hospice of Michigan, and I</p> <p>8 told it to all the people that -- that arrange to pay</p> <p>9 our people or pay us for services.</p> <p>10 I said, "I'm going to come to you at a time, and</p> <p>11 there's two ways to do this."</p> <p>12 And this is all in this document, you know, these</p> <p>13 numbered pages that we're going through in that first</p> <p>14 initial document that we created, Natalie and I.</p> <p>15 MR. MCGORISK: Sorry. Am I in your way?</p> <p>16 (Discussion held off the record.)</p> <p>17 A. And that's -- and that's -- when we get to double-digit</p> <p>18 patients, we're going to be wanting to have much better</p> <p>19 communication, because there's not going to be one or</p> <p>20 two patients, but it's four or five, it's going to be</p> <p>21 10, 12, 15.</p> <p>22 And at that point, we would expect you to help in</p> <p>23 paying for one of our employees to be in charge, and it</p> <p>24 could be a social worker. It could be a rabbi, but</p> <p>25 preferably, it's going to be a rabbi, and we're going to</p> |
| <p style="text-align: right;">Page 127</p> <p>1 like this, it would be in the tone of, you know, we lay</p> <p>2 out thousands -- hundreds of thousands of dollars each</p> <p>3 year to take care of your patients that cost us a lot of</p> <p>4 money.</p> <p>5 I was -- I was telling him, and you're getting</p> <p>6 mutual -- we're getting mutual benefit for this. I'm</p> <p>7 taking care of the -- our mission to take care of the</p> <p>8 Jewish patients fully, and you're, you know, serving</p> <p>9 them and getting paid for, you know, services rendered</p> <p>10 from the government, reimbursement, and let's -- you</p> <p>11 know, let's continue this. It's good for everybody.</p> <p>12 Q. But you --</p> <p>13 A. And I was --</p> <p>14 Q. I just want to understand that. Because you would</p> <p>15 provide those services whether there was an agreement</p> <p>16 for Krakoff or not. That's what you testified this</p> <p>17 morning; that you did that for all kinds of hospices and</p> <p>18 all kinds of hospitals for all Jewish patients, paid or</p> <p>19 unpaid; right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. But --</p> <p>23 Q. What's the "but"?</p> <p>24 A. The but is, whenever I start a relationship with any</p> <p>25 hospice, I always say, "There's no cost to you. There's</p>                                                                                                                                                                                                                                                        | <p style="text-align: right;">Page 129</p> <p>1 give you even more services. That rabbi will come to</p> <p>2 the team, report to you, will be the anchor person that</p> <p>3 you call and will -- will be massive services, which</p> <p>4 we're paying out-of-pocket, paying out-of-pocket, and we</p> <p>5 would come to you for contributions or you put them on</p> <p>6 your payroll, what you prefer.</p> <p>7 But I tell them in the first meeting. I don't</p> <p>8 think I ever missed a time when I'm involved in signing</p> <p>9 on a new -- creating an arrangement that I don't tell</p> <p>10 the people on the other side and make sure that they</p> <p>11 understand, as I'm telling them, we will never make</p> <p>12 referrals, and if you're doing this arrangement for the</p> <p>13 referrals, you're in the wrong place.</p> <p>14 BY MS. PRESCOTT:</p> <p>15 Q. Sure.</p> <p>16 Because it would be -- if you add explicitly the</p> <p>17 word "referral" to what you just told me, you understand</p> <p>18 that's a federal felony; right?</p> <p>19 A. I don't understand anything.</p> <p>20 I think that's morally incorrect, and I would never</p> <p>21 do it, and I don't think words like that ever cross my</p> <p>22 mouth.</p> <p>23 And I'm under oath. I'm just saying I don't think</p> <p>24 so.</p> <p>25 Q. Yeah, I'm sure you didn't say, "It would be a felony for</p>                                                                                     |

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| <p style="text-align: right;">Page 130</p> <p>1 me to ask for a referral."</p> <p>2 A. No, no, no. My words. My words where I say, you know,</p> <p>3 "If you're looking for referrals, go somewhere else.</p> <p>4 It's not happening here."</p> <p>5 And I sort of put a damper on the -- the</p> <p>6 arrangement.</p> <p>7 Q. It's just --</p> <p>8 A. This I learned from experience because people signed on</p> <p>9 and then start yelling at me, "We're not getting</p> <p>10 referrals."</p> <p>11 And I tell them where to go, and I walked away from</p> <p>12 a significant amount of money along the way.</p> <p>13 Q. Because you were giving them all to Hospice of Michigan,</p> <p>14 who was paying you the lion's share; right?</p> <p>15 A. Pardon?</p> <p>16 MR. MCGORISK: Object to form. Misstates his</p> <p>17 testimony. Argumentative.</p> <p>18 A. Could you say what you said again?</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. Because you were giving them all to the one place that</p> <p>21 was paying you to your personal home and your social</p> <p>22 security number --</p> <p>23 A. Is that --</p> <p>24 Q. -- right?</p> <p>25 A. -- a question or an assumption?</p> | <p style="text-align: right;">Page 132</p> <p>1 A. I will make accusations to you as well.</p> <p>2 Q. Sir -- sir, do you need a break?</p> <p>3 Because you seem --</p> <p>4 A. No, I don't need a break.</p> <p>5 Q. -- like you're shaking.</p> <p>6 A. I'm not even mad. I don't need a break.</p> <p>7 Q. Well, your lips are shaking and you seem like you're</p> <p>8 leaning in.</p> <p>9 A. Oh, really?</p> <p>10 Q. Yeah.</p> <p>11 A. I like to lean in and make a point.</p> <p>12 Q. Okay.</p> <p>13 A. I'm not upset.</p> <p>14 Q. Are you okay? Can we keep going?</p> <p>15 A. I'm perfect.</p> <p>16 Q. Okay. Good.</p> <p>17 So, the problem was, you couldn't be sending all</p> <p>18 the referrals to places that weren't paying you because</p> <p>19 you were sending them to the one place that was paying</p> <p>20 you to your home personally, privately, at your social</p> <p>21 security number; correct?</p> <p>22 MR. MCGORISK: Objection. Form. Argumentative.</p> <p>23 A. I don't know if that's a statement or a question.</p> <p>24 And I'm not upset. I'm just telling you, don't</p> <p>25 make accusations. If it's a statement, then it's an</p>                                                  |
| <p style="text-align: right;">Page 131</p> <p>1 Q. Well, did you --</p> <p>2 MR. MCGORISK: You know, don't answer that.</p> <p>3 You're getting argumentative with him; okay?</p> <p>4 MS. PRESCOTT: You can't talk over me.</p> <p>5 BY MS. PRESCOTT:</p> <p>6 Q. You just said, "Is that a question?" But you didn't let</p> <p>7 me finish and say, "right?"</p> <p>8 So, we -- it doesn't help when we don't --</p> <p>9 A. What does "right" mean?</p> <p>10 Q. -- when we talk over each other.</p> <p>11 You've got to stop talking over me; okay?</p> <p>12 A. And you should not make accusations to us, our</p> <p>13 reputation --</p> <p>14 Q. Sir --</p> <p>15 A. -- and our people.</p> <p>16 Q. Sir --</p> <p>17 A. You're talking over me.</p> <p>18 Q. Sir, you're not here to tell me how to do my job; okay?</p> <p>19 You can't -- I know you have --</p> <p>20 A. Are you here to make accusations at me?</p> <p>21 Q. Yes.</p> <p>22 A. Oh, yeah?</p> <p>23 Q. I am.</p> <p>24 A. So, go ahead.</p> <p>25 Q. Okay. So, that's my job --</p>                                                                                                                                             | <p style="text-align: right;">Page 133</p> <p>1 accusation. If you have a question, ask the question.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. I did.</p> <p>4 A. Thanks for doing your job.</p> <p>5 I didn't hear the question.</p> <p>6 Could you repeat the question?</p> <p>7 Q. Are you okay?</p> <p>8 Because, again, you seem like you're losing --</p> <p>9 A. You have no idea how happy I am now --</p> <p>10 MR. MCGORISK: We're getting argumentative --</p> <p>11 THE REPORTER: I'm sorry. One at a time, please.</p> <p>12 MR. MCGORISK: We're going to take a break in the</p> <p>13 deposition; okay?</p> <p>14 MS. PRESCOTT: Okay.</p> <p>15 MR. MCGORISK: And don't -- don't make accusations</p> <p>16 like that because he's not going to answer.</p> <p>17 I'm going to tell him not to -- it's an</p> <p>18 argumentative question. That's what it is.</p> <p>19 MS. PRESCOTT: You don't need to raise your voice.</p> <p>20 MR. MCGORISK: Do you know what? This is not your</p> <p>21 time for your closing argument; okay? Really?</p> <p>22 MS. PRESCOTT: I -- okay.</p> <p>23 They're walking out of the room. You can go off</p> <p>24 the record.</p> <p>25 MR. MCGORISK: We're taking a break. I told you.</p> |

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| <p style="text-align: right;">Page 134</p> <p>1 A. Did someone say --</p> <p>2 THE REPORTER: I'm sorry. Are we off the record?</p> <p>3 MR. MCGORISK: Rabbi, come on.</p> <p>4 MS. PRESCOTT: Yes.</p> <p>5 (Short recess at 1:40 p.m.)</p> <p>6 * * *</p> <p>7 (Record resumed at 1:46 p.m.)</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. All right. The vast majority of patients of JHCN that</p> <p>10 go to hospice care ended up at Hospice of Michigan;</p> <p>11 correct?</p> <p>12 MR. MCGORISK: Object to form.</p> <p>13 A. Wrong.</p> <p>14 MR. MCGORISK: "Majority" being vague and</p> <p>15 misleading.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Why am I wrong? How am I wrong? Where -- where did</p> <p>18 they go instead?</p> <p>19 A. You're wrong.</p> <p>20 Q. I then followed up and said, what other hospice got the</p> <p>21 majority of the patients?</p> <p>22 MR. MCGORISK: Object to form to the extent --</p> <p>23 A. No hospice got the majority --</p> <p>24 MR. MCGORISK: -- it's --</p> <p>25 THE REPORTER: I'm sorry. I'm sorry. One -- one</p>                                                                                                                              | <p style="text-align: right;">Page 136</p> <p>1 care that are -- come through JHCN got hospice care at</p> <p>2 Hospice of Michigan, and you said "wrong."</p> <p>3 A. Do you know that there were -- they do the majority of</p> <p>4 our patient -- of our hospice patients?</p> <p>5 Q. I'm asking you.</p> <p>6 I know the answer, yes. I think I do, according to</p> <p>7 the records, but you're the witness here today.</p> <p>8 A. So --</p> <p>9 Q. Do you know?</p> <p>10 A. No.</p> <p>11 Q. Okay. So, you don't know that the -- at any given time,</p> <p>12 the number of patients being seen at Hospice of Michigan</p> <p>13 that are in hospice care, your census of people, the</p> <p>14 majority of them are at Hospice of Michigan?</p> <p>15 A. When?</p> <p>16 Give me a date.</p> <p>17 Q. At all times, sir.</p> <p>18 A. No.</p> <p>19 At all times, do you know -- I don't know.</p> <p>20 Q. You -- okay.</p> <p>21 How about most all of the time?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. So, did you ever look at the documents that were</p> <p>24 the census document, like the one in front of you that</p> <p>25 we --</p>                             |
| <p style="text-align: right;">Page 135</p> <p>1 at a time, please. Sorry.</p> <p>2 MR. MCGORISK: When I --</p> <p>3 A. I'm sorry. Okay.</p> <p>4 MR. MCGORISK: -- give an objection, let me just</p> <p>5 get it out; okay?</p> <p>6 MS. PRESCOTT: Did you have something?</p> <p>7 No? You're done; right?</p> <p>8 MR. MCGORISK: I just -- I said objection.</p> <p>9 Misleading.</p> <p>10 MS. PRESCOTT: Okay.</p> <p>11 MR. MCGORISK: Form.</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. Which hospice had more JHCN patients than Hospice of</p> <p>14 Michigan?</p> <p>15 A. Not a clear answer.</p> <p>16 Are we judging on -- based on a year? Based on a</p> <p>17 historic record? Is it -- I mean, what do you mean?</p> <p>18 Q. At any time.</p> <p>19 You said I was wrong. So, I followed up by saying,</p> <p>20 well, which hospice has treated more patients affiliated</p> <p>21 or coming through JHCN than Hospice of Michigan?</p> <p>22 A. I wouldn't be -- have that information with --</p> <p>23 Q. Well, then why did -- why did you say I was wrong?</p> <p>24 I said -- when I originally asked, I said the</p> <p>25 majority of patients at any given time that get hospice</p> | <p style="text-align: right;">Page 137</p> <p>1 A. Every week.</p> <p>2 Q. -- finished on but -- you've got to let me finish.</p> <p>3 The one that I handed you before the break, you</p> <p>4 looked at those census documents every week, it sounds</p> <p>5 like?</p> <p>6 A. (Nods head.)</p> <p>7 THE REPORTER: I'm sorry. Is that --</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. "Yes"?</p> <p>10 A. Well, I didn't -- I was interrupted.</p> <p>11 So, if you want to ask the question again, you can.</p> <p>12 Q. Okay. Before lunch I handed you the documents in front</p> <p>13 of you. It's a census document, and you just said, "I</p> <p>14 looked at that document every week"; right?</p> <p>15 A. (Nods head.)</p> <p>16 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>17 A. Correct.</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. Okay. And those documents reflect, week after week</p> <p>20 after week, that more patients are at Hospice of</p> <p>21 Michigan than any other hospice by a large number;</p> <p>22 correct?</p> <p>23 A. Do you mean hospice patients?</p> <p>24 Q. Yes. Hospice patients.</p> <p>25 A. Not cumulative, palliative and support and all -- all</p> |



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| <p style="text-align: right;">Page 138</p> <p>1 the other agencies?</p> <p>2 Q. Hospice. Right. Hospice patients.</p> <p>3 A. Okay.</p> <p>4 Hospice, it may be true.</p> <p>5 Q. You don't know?</p> <p>6 A. I don't.</p> <p>7 Q. Okay. Back to the question that started us off on this.</p> <p>8 You began with Patrick Miller not only telling him</p> <p>9 how many people are JHCN-affiliated patients, but also</p> <p>10 telling him the denominator of the fraction, out of</p> <p>11 our -- our total census, you're getting this many?</p> <p>12 Do you recall doing that in the fall of 2020?</p> <p>13 A. I don't remember --</p> <p>14 Q. Okay.</p> <p>15 A. -- a conversation that I had in 2020.</p> <p>16 Q. It --</p> <p>17 A. It was during COVID, and I -- it was while I was in</p> <p>18 Cleveland Clinic with a -- getting a heart operation.</p> <p>19 And I'll have a very hard time nailing any dates or</p> <p>20 necessarily the conversations I had.</p> <p>21 Q. Did you take any leave from -- from your everyday duties</p> <p>22 because of your medical condition?</p> <p>23 A. Two weeks, yes.</p> <p>24 Q. Did you take any leave to travel out of the country in</p> <p>25 the last ten years, for example, to Israel or elsewhere,</p>                                                                                      | <p style="text-align: right;">Page 140</p> <p>1 Q. Did you do that in the fall of 2020 when you were trying</p> <p>2 to convince Hospice of Michigan to bring in Rabbi</p> <p>3 Krakoff as a contractor?</p> <p>4 A. Possibly.</p> <p>5 MS. PRESCOTT: I've handed the witness what I</p> <p>6 marked as Exhibit 4.</p> <p>7 A. I think I must have done that, yeah. It looks very</p> <p>8 authentic and it looks in keeping with -- you know, we</p> <p>9 could go back easily to the census and see if these were</p> <p>10 the exact numbers.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Why --</p> <p>13 A. Probably is.</p> <p>14 Q. Why were --</p> <p>15 A. Sounds very authentic.</p> <p>16 Q. So, just to be -- for people who might not know the --</p> <p>17 the Arbor Hospice, Ann Arbor -- Arbor Palliative and</p> <p>18 Northstar Palliative are all Hospice of Michigan</p> <p>19 affiliates, as you understand it; correct?</p> <p>20 A. Uh-huh.</p> <p>21 THE REPORTER: I'm sorry. Is that --</p> <p>22 A. Yes.</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. And that's why you collect them together in the chart?</p> <p>25 A. Correct.</p>                                                                                                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 139</p> <p>1 for lengthy -- more than two weeks?</p> <p>2 A. I don't believe so.</p> <p>3 Q. Do you have any reason why you would need to report --</p> <p>4 can you think of any reason why you would be telling</p> <p>5 Hospice of Michigan you're getting a third of our total</p> <p>6 patients?</p> <p>7 Why would they need to know that or why would that</p> <p>8 be something you would tell them?</p> <p>9 A. I did tell them very recently, as I -- I don't remember</p> <p>10 if I told them, no.</p> <p>11 I -- oh, I did tell them recently, I -- we have a</p> <p>12 calculation. I mentioned earlier that, when we heard</p> <p>13 that we were the subject of involvement in a lawsuit,</p> <p>14 we -- we took the effort to defend ourselves against any</p> <p>15 implications of -- or accusations that were made, and I</p> <p>16 personally looked into a number of -- of the -- I picked</p> <p>17 out random weeks to see what we did, and my estimation</p> <p>18 is that they were doing -- were doing a third of our</p> <p>19 patients, at that point, I do remember. It was recent,</p> <p>20 in the last couple months.</p> <p>21 Q. Did you do that before?</p> <p>22 A. I don't recall.</p> <p>23 (Deposition Exhibit 4 marked</p> <p>24 for identification.)</p> <p>25 BY MS. PRESCOTT:</p> | <p style="text-align: right;">Page 141</p> <p>1 Q. Right?</p> <p>2 And the reason that you're telling Patrick Miller</p> <p>3 this in 2020 -- late 2020 is why; if you recall?</p> <p>4 A. Because that would imply that we're spending a real lot</p> <p>5 of money on them.</p> <p>6 Q. But what does it matter? That's your mission.</p> <p>7 A. Correct. And we asked all the people that benefit and</p> <p>8 appreciate the work we're doing that they help us reach</p> <p>9 there, like all fundraising is about.</p> <p>10 Q. So, you were fundraising from Hospice of Michigan?</p> <p>11 A. Yeah. I was asking for contributions. I never asked</p> <p>12 for anything based on -- he might have asked me -- I</p> <p>13 don't remember, but -- but I was telling him we're</p> <p>14 giving a hell of a lot of service -- excuse my</p> <p>15 language -- the -- a heck of a lot -- a lot of -- real</p> <p>16 lot of service to Hospice of Michigan. Something they</p> <p>17 know, and we spend a lot of -- lot of money on that.</p> <p>18 And it doesn't say that in the -- the document, but that</p> <p>19 money that we -- we spend, we ask you to help us, very</p> <p>20 much like the conference that we have. We ask you --</p> <p>21 our people that -- philanthropically to -- to help us do</p> <p>22 this mission.</p> <p>23 We've got a big budget.</p> <p>24 Q. And by "help us," meaning help JHCN?</p> <p>25 A. Yes.</p> |



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| <p style="text-align: right;">Page 142</p> <p>1 Q. Then why, sir, did you get paid at home to your personal<br/>2 self instead of to JHCN?</p> <p>3 A. I got paid by direct deposit. I didn't receive checks<br/>4 from Hospice of Michigan. As to the best of my<br/>5 recollection, I was getting deposited to my account and<br/>6 I got W -- whatever forms I got, 1099, W-2 came to my<br/>7 house, yes.</p> <p>8 Q. Yeah. But what you said is, you asked for help because<br/>9 of all what JHCN was giving to people. They needed<br/>10 to -- Hospice of Michigan, you would ask that they give<br/>11 back.</p> <p>12 Well, then why didn't you have Hospice of Michigan<br/>13 give back the forty-some-thousand dollars a year to JHCN<br/>14 instead of to you personally?</p> <p>15 A. I think I stated earlier that they wanted me to serve<br/>16 their patients because I had a reputation and built on<br/>17 HOM, and they wanted to retain that relationship. So,<br/>18 they said, "We'll keep you on."</p> <p>19 Q. Do you have any other reason why you would we paid<br/>20 personally and individually?</p> <p>21 A. I was working on their behest. If I wasn't working on<br/>22 their behest, I wouldn't get any money.</p> <p>23 Q. What --</p> <p>24 A. I was spending a lot, a lot of time on their patients,<br/>25 and they wanted that service, and they wanted it from</p>                          | <p style="text-align: right;">Page 144</p> <p>1 set your compensation? Like did they get like market<br/>2 analyses for --</p> <p>3 A. Sure. Dottie Deremo.</p> <p>4 Q. Okay. Let me just finish my question.</p> <p>5 Did they get paid like a -- an outside service to<br/>6 show salary bands to sort of level your compensation?</p> <p>7 A. Dottie Deremo was a consultant working for Hospice of<br/>8 Michigan for pay and was in charge of our compensation<br/>9 committee and called the meetings and set rates and<br/>10 showed, you know, whatever demonstrations she had to<br/>11 make to justify salaries.</p> <p>12 Q. Did Dottie Deremo -- okay. I want to -- did -- I want<br/>13 to be clear just because I -- Ms. Deremo was the CEO of<br/>14 Hospice of Michigan.</p> <p>15 Are you saying that, at some point, she sat on the<br/>16 compensation committee of JHCN?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. So, Dottie Deremo, while being paid by Hospice of<br/>19 Michigan as the emeritus, comes over --</p> <p>20 A. I don't want to talk over you.</p> <p>21 Q. -- comes over -- right. So, I'll start over because you<br/>22 did.</p> <p>23 Dottie Deremo, the emeritus CEO of Hospice of<br/>24 Michigan, while being paid in her tail years after her<br/>25 immediate retirement, comes to JHCN and sets your</p> |
| <p style="text-align: right;">Page 143</p> <p>1 me.</p> <p>2 Q. You can't identify any patient you did any particular<br/>3 hours of care for any particular month; right?</p> <p>4 Like we could go through every month iteratively<br/>5 from 2010 to 2021, and you could not say what month you<br/>6 did what hours of care, what hours of follow-ups?</p> <p>7 A. No, I couldn't.</p> <p>8 Q. Okay.</p> <p>9 A. I didn't punch a clock, and I didn't bill on time. I<br/>10 billed on a flat salary as I saw it, and then it changed<br/>11 as consulting, and -- but I was rendering the service<br/>12 they asked me to render, and it was worth a lot, lot<br/>13 more than they paid me.</p> <p>14 And as -- in terms of the agency, spending \$700,000<br/>15 on care for their -- the patients that we jointly<br/>16 served, and I was doing a heck of a lot more work. If I<br/>17 wouldn't be taking care of the patients and wouldn't be<br/>18 going to team and I wouldn't be looking after all --<br/>19 overseeing all the different rabbis and making sure that<br/>20 everything was organized and was good service, then that<br/>21 might be the case. But I was working additional hours,<br/>22 way above a normal working week. And I mean, I -- do<br/>23 you want me to find a time clock? There's no time<br/>24 clock, but --</p> <p>25 Q. Did the board of JHCN retain the services of somebody to</p> | <p style="text-align: right;">Page 145</p> <p>1 compensation?</p> <p>2 MR. MCGORISK: Object -- object to foundation,<br/>3 whether he knows where she was getting her money.</p> <p>4 A. And I would -- I would tell you I don't know.</p> <p>5 BY MS. PRESCOTT:</p> <p>6 Q. Okay. Let's drop the part where someone else will fill<br/>7 in the Dottie Deremo remained on the payroll of HOM.</p> <p>8 So, Dottie Deremo remains on the payroll or<br/>9 doesn't, but one thing we know is -- from you is she<br/>10 comes over and now joins your board -- executive board;<br/>11 is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And then she leads your compensation committee?</p> <p>14 A. Yes.</p> <p>15 Q. And did you ask her to come over and be on your board?</p> <p>16 A. I did.</p> <p>17 Q. And then did you ask her to lead your compensation<br/>18 committee?</p> <p>19 A. I did.</p> <p>20 Q. Okay. So, she comes over and they -- did you -- part of<br/>21 the question was whether there was like a -- a<br/>22 benchmarking study or some sort of data or whatever that<br/>23 was collected to set your pay as CEO?</p> <p>24 A. Again, please?</p> <p>25 Q. Sure.</p>                                                                                                                                                          |

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| <p style="text-align: right;">Page 146</p> <p>1 Did the compensation committee get some sort of</p> <p>2 data or expertise involved in benchmarking what would be</p> <p>3 an appropriate amount of pay for you?</p> <p>4 A. I don't know.</p> <p>5 Q. Okay. Isn't it true that you told Hospice of Michigan</p> <p>6 that you wanted to be paid at your home by your social</p> <p>7 security number individually because your board would be</p> <p>8 uncomfortable with you earning over the amount that they</p> <p>9 had set for you to earn?</p> <p>10 A. I don't recall, and I don't know that I ever said that.</p> <p>11 But --</p> <p>12 Q. Okay.</p> <p>13 A. I don't believe so because my board knew, and</p> <p>14 Dottie Deremo certainly knew, and she was in charge of</p> <p>15 compensation.</p> <p>16 So, I didn't hide it from anyone, but --</p> <p>17 Q. So, you think that the people at Hospice of Michigan,</p> <p>18 the CEO, COO, certainly Patrick Miller knew, say, in</p> <p>19 2020, when you're talking about Krakoff, and 2021 that</p> <p>20 you were a social security paid-at-home, individually</p> <p>21 being paid this amount?</p> <p>22 A. I don't know what he knew.</p> <p>23 But if you want to ask me do I -- would I assume,</p> <p>24 then ask me.</p> <p>25 Q. Well, he says in his recordings that -- that he's</p> | <p style="text-align: right;">Page 148</p> <p>1 A. The check went generally into my retirement savings, and</p> <p>2 I didn't look at it.</p> <p>3 Q. Okay.</p> <p>4 A. So --</p> <p>5 Q. So, is the answer to my question -- sorry to</p> <p>6 interrupt -- I didn't mean to. Finish if you remember</p> <p>7 what you were going to say.</p> <p>8 A. (No verbal response.)</p> <p>9 Q. Okay. 2022 --</p> <p>10 A. Doesn't make a difference.</p> <p>11 Q. -- is when --</p> <p>12 THE REPORTER: I'm sorry? Was that --</p> <p>13 A. Doesn't make a difference.</p> <p>14 THE REPORTER: Sorry.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. 2022 is when you stopped being paid by Hospice of</p> <p>17 Michigan, you personally directly?</p> <p>18 A. Correct.</p> <p>19 Q. Why not continue on with Rabbi Krakoff getting paid, him</p> <p>20 individually, personally at his social security number?</p> <p>21 A. I have no idea.</p> <p>22 Q. No one has ever discussed that with you?</p> <p>23 A. No.</p> <p>24 Q. Never talked about that with Bob Cahill?</p> <p>25 A. Pardon?</p>                                                                |
| <p style="text-align: right;">Page 147</p> <p>1 talking, he says, you know, Bunny needs -- I think he's</p> <p>2 getting paid at home because his board -- he doesn't</p> <p>3 want his board to know what he's making, and he -- you</p> <p>4 know, his board has caps or something to that effect.</p> <p>5 A. To the best of my knowledge, from the time I started</p> <p>6 working at Hospice of Michigan in 1992, I don't think</p> <p>7 the manner of payment has ever changed.</p> <p>8 I mean maybe in earlier years before there was</p> <p>9 direct deposit possibly, but I -- I think I was getting</p> <p>10 paid direct deposit for the longest time. So, I --</p> <p>11 Q. Does that continue to today?</p> <p>12 A. Pardon?</p> <p>13 Q. Do you get direct deposit through today?</p> <p>14 A. From who?</p> <p>15 Q. From Hospice of Michigan.</p> <p>16 A. I don't get paid from Hospice of Michigan.</p> <p>17 Q. Okay. When did that stop?</p> <p>18 A. That stopped in 20 -- 2002. The beginning of 2002.</p> <p>19 I didn't realize that I wasn't getting paid until</p> <p>20 late in 2002. Because it was --</p> <p>21 MR. MCGORISK: I think you mean '22.</p> <p>22 A. 2022.</p> <p>23 The -- so, I didn't pay attention to that check.</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. Okay.</p>                                                     | <p style="text-align: right;">Page 149</p> <p>1 Q. You've never talked about that with Bob Cahill?</p> <p>2 A. No.</p> <p>3 Q. You never talked about that with Patrick Miller?</p> <p>4 A. No.</p> <p>5 (Deposition Exhibit 5 marked</p> <p>6 for identification.)</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. All right. So, I'm going to hand you what I've marked</p> <p>9 as Exhibit 5.</p> <p>10 MS. PRESCOTT: If you can pass those to David, too?</p> <p>11 MR. MCGORISK: It's a two-page document?</p> <p>12 Oh, no.</p> <p>13 A. Is this -- it's very similar language.</p> <p>14 The date is 10-26 and 11-16.</p> <p>15 Yeah.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Okay. So, in Exhibit 5, you're again giving not only --</p> <p>18 here is all of the patients that, you know, came from</p> <p>19 JHCN but are -- and you're also giving him the total of</p> <p>20 169; right?</p> <p>21 A. One second.</p> <p>22 Q. At the bottom, just before your name.</p> <p>23 A. Our total current census, yes.</p> <p>24 Q. Why would you not e-mail Patrick Miller this detail from</p> <p>25 your Hospice of Michigan e-mail if you had one?</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 A. I think we stated earlier that --</p> <p>2 MR. MCGORISK: Jewish Hospice.</p> <p>3 A. -- I don't know that I had one.</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Jewish Hospice.</p> <p>6 A. My Jewish Hospice?</p> <p>7 Q. No, no. Your Hospice of Michigan e-mail.</p> <p>8 You don't think you had one?</p> <p>9 A. No. Hospice of Michigan -- I -- I think I've stated</p> <p>10 earlier that I don't believe I have one. I haven't used</p> <p>11 it.</p> <p>12 Q. You e-mailed this from your Gmail.</p> <p>13 You also have a Jewish -- I don't remember --</p> <p>14 A. JHCN.</p> <p>15 Q. It's a JHCN, but it's -- that's not the handle.</p> <p>16 A. Yeah.</p> <p>17 Q. Anyway, you have a JHCN e-mail but you're using your</p> <p>18 personal Gmail for these?</p> <p>19 A. I think you would -- yeah. The answer is that I always</p> <p>20 use this e-mail, and my JHCN goes into this e-mail. So,</p> <p>21 it's one and the same.</p> <p>22 Q. Okay. Did Patrick Miller ever express any concern or</p> <p>23 issue with you using a personal e-mail to conduct</p> <p>24 business?</p> <p>25 A. No. Not to the best of my knowledge.</p>                                                                                                                         | <p style="text-align: right;">Page 152</p> <p>1 about why they were doing this?</p> <p>2 A. I get the -- I don't exactly remember, but there was a</p> <p>3 prelude to this that set my mind -- you want to know my</p> <p>4 state of mind.</p> <p>5 I was called in by Patrick and Bob to come up to</p> <p>6 Ann Arbor and visit with them. I had no idea why they</p> <p>7 were calling me. And they called me to tell me, not to</p> <p>8 ask me or not to discuss with me, there were going to be</p> <p>9 new arrangements with Jewish Hospice Chaplaincy Network.</p> <p>10 And they told me at that time that we would have</p> <p>11 to -- we would have to backpay for the data system that</p> <p>12 they were providing, which they offered to us some time</p> <p>13 ago. We were using it for, I think, years, and -- and</p> <p>14 that was going to have to stop. Or -- or, no, that we</p> <p>15 had -- it didn't have to stop. We would have to pay</p> <p>16 from now on a certain amount of money. And -- and --</p> <p>17 and we have to backpay something, I think, if I remember</p> <p>18 the number, was \$57,000. And at some point, they</p> <p>19 offered some kind of payment plan, I believe. And I had</p> <p>20 no idea why that happened.</p> <p>21 And I think -- and this has been -- based on -- I</p> <p>22 don't remember exactly what Natalie told me, but</p> <p>23 Natalie, I think, has told me since then, subsequently</p> <p>24 that she was told about a whistle- -- whistleblower of</p> <p>25 some sort, and that -- and that she was told that's why</p> |
| <p style="text-align: right;">Page 151</p> <p>1 Q. Okay. Did Patrick Miller ever express to you that they</p> <p>2 would need to sever ties with you individually because</p> <p>3 you were employed both by Hospice of Michigan and Jewish</p> <p>4 Hospice Chaplaincy?</p> <p>5 A. No.</p> <p>6 Q. You understand that's why he claims he got rid of</p> <p>7 Natalie Miller -- Natalie Rosenfield; correct?</p> <p>8 A. Yeah. I -- yeah, I pretty much understand that.</p> <p>9 Q. Okay.</p> <p>10 Take me to that day when Natalie calls you and she</p> <p>11 says, "I just got a call from Patrick saying they're</p> <p>12 going to separate me."</p> <p>13 Had you heard anything at all from anyone at HOM</p> <p>14 about Natalie's role or concern with Natalie's role</p> <p>15 before that call from Natalie herself?</p> <p>16 A. No.</p> <p>17 Q. Okay. So, if I say it the right -- if I -- say it</p> <p>18 another way.</p> <p>19 Natalie is calling you. She testified to the date</p> <p>20 yesterday. I think the record will be it was in early</p> <p>21 July of 2021.</p> <p>22 That was the first you hear a word about Hospice of</p> <p>23 Michigan changing their relationship with Natalie?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Okay. And what did she tell you she had been advised</p> | <p style="text-align: right;">Page 153</p> <p>1 they have to end the relationship with her.</p> <p>2 Q. Okay. So, the -- that's a -- fair.</p> <p>3 So, I had asked if Natalie -- the first you ever</p> <p>4 heard of a thing to do with Natalie and the relationship</p> <p>5 changing vis-à-vis Natalie and Hospice of Michigan was</p> <p>6 this early July call?</p> <p>7 A. (Nods head.)</p> <p>8 Q. And that's --</p> <p>9 THE REPORTER: I'm sorry. Is that --</p> <p>10 A. Yes.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Right?</p> <p>13 And -- and so I think what you're saying is, I</p> <p>14 hadn't heard a word about Natalie, but sometime in this</p> <p>15 timeframe, there was a separate issue which was about</p> <p>16 the IT?</p> <p>17 A. Uh-huh.</p> <p>18 THE REPORTER: I'm sorry. Is that --</p> <p>19 A. Yes.</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. Yeses and nos. Okay.</p> <p>22 There was a day in mid-July -- it was actually the</p> <p>23 15th of July, where you and Patrick and Bob get</p> <p>24 together, and they actually gave you an invoice about</p> <p>25 IT. And there was follow-up e-mail, and there was</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| <p style="text-align: right;">Page 154</p> <p>1 preplanning of the meeting.</p> <p>2 Do you know whether that call was before or after</p> <p>3 you heard from Natalie?</p> <p>4 Or that meeting -- excuse me -- was before or after</p> <p>5 you heard from Natalie?</p> <p>6 A. It was before, I believe.</p> <p>7 Q. Okay. So, when Natalie calls and says, "I'm being</p> <p>8 separated by Hospice of Michigan," did you connect that</p> <p>9 there was some reason that that had anything to do with</p> <p>10 IT?</p> <p>11 A. I believe that Natalie told me at that time, it was a</p> <p>12 whistleblower, although I don't remember the</p> <p>13 conversation, but Natalie has told me subsequently that</p> <p>14 she told me at that point.</p> <p>15 Q. Okay. Before our lunch break, you said something -- you</p> <p>16 used the word "whistleblower," and I can't recreate</p> <p>17 exactly what you said. But you said, "We were hearing</p> <p>18 things about a whistleblower."</p> <p>19 Was this conversation with Natalie or this phone</p> <p>20 call what you were referring to, or were there other</p> <p>21 times you heard things about whistleblowing or</p> <p>22 whistleblowers?</p> <p>23 A. I heard from someone related to Hospice of Michigan that</p> <p>24 there was a whistleblower. Someone whispered in my ear,</p> <p>25 you know, there's a whistleblower.</p> | <p style="text-align: right;">Page 156</p> <p>1 Q. Okay. Dottie.</p> <p>2 And that's -- this is before you ever get called in</p> <p>3 about IT paying back Natalie --</p> <p>4 A. I believe so.</p> <p>5 Q. You hear it -- something from Dottie about there's a</p> <p>6 whistleblower at Hospice of Michigan?</p> <p>7 A. (Nods head.)</p> <p>8 THE REPORTER: Is that --</p> <p>9 BY MS. PRESCOTT:</p> <p>10 Q. Yeses and nos, if you can.</p> <p>11 A. Yes.</p> <p>12 Q. Yeah.</p> <p>13 Did you -- did Dottie tell you anything, like yes</p> <p>14 or -- did she say, "It's a lawyer there," or "It's a</p> <p>15 man," or "It's a woman," or "It's a newer employee"?</p> <p>16 Any information?</p> <p>17 A. I think she told me they have a problem with a lawyer.</p> <p>18 I mean, I don't know if those were the words, but I</p> <p>19 think I knew that it was a lawyer, and I don't know if I</p> <p>20 heard a name or -- I don't know that I would</p> <p>21 recognize -- have recognized the name.</p> <p>22 And that's all I know.</p> <p>23 Q. Okay.</p> <p>24 A. And I didn't think it had anything to do with us.</p> <p>25 And I don't think I tied it together -- I didn't</p>                                                                                                                                              |
| <p style="text-align: right;">Page 155</p> <p>1 It was -- no -- that person didn't tell me that we</p> <p>2 were involved.</p> <p>3 I didn't know when I went there why this was</p> <p>4 happening. I was puzzled and I was angry and upset,</p> <p>5 and -- and then I think it was subsequent to that,</p> <p>6 Natalie told me about a whistleblower.</p> <p>7 I still did not know from Natalie -- and I don't</p> <p>8 think -- I don't know if Natalie knows -- that we were</p> <p>9 implicated from any whistleblower about anything.</p> <p>10 So, I -- I thought in my mind -- you asked me my</p> <p>11 state of mind, and I all could tell you was -- is my</p> <p>12 recollection of my state of mind. I thought that there</p> <p>13 was an overall whistleblower putting pressure on Hospice</p> <p>14 of Michigan, and I thought they're trying to re-track --</p> <p>15 you know, go back and fix whatever they think might</p> <p>16 be -- you know, a problem.</p> <p>17 Q. Who is the first person you did hear something about</p> <p>18 whistleblowing, or there's a whistleblower from?</p> <p>19 A. Joey Krakoff.</p> <p>20 Q. Okay. Is that who you meant when you said someone kind</p> <p>21 of whispered in your ear?</p> <p>22 A. No. No.</p> <p>23 Q. Well, who is that person, the person who sort of</p> <p>24 whispered in your ear?</p> <p>25 A. Dottie Deremo.</p>       | <p style="text-align: right;">Page 157</p> <p>1 know about a whistleblower -- I didn't know about --</p> <p>2 THE REPORTER: I'm sorry. Excuse me. "-- didn't</p> <p>3 know about --"?</p> <p>4 A. What?</p> <p>5 THE REPORTER: Can you repeat? Can you repeat?</p> <p>6 I'm sorry.</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. " -- didn't know about a whistleblower --"?</p> <p>9 A. I didn't know about a whistleblower when I -- that</p> <p>10 meeting that you said happened on June 15th, was it, or</p> <p>11 July?</p> <p>12 Whatever. The meeting I had in -- in Ann Arbor</p> <p>13 with Patrick, and when they gave me the bill for the</p> <p>14 data, I didn't -- they didn't say anything about a</p> <p>15 whistleblower. I didn't hear anything about a</p> <p>16 whistleblower, and I didn't connect.</p> <p>17 And I'm trying to get the sequence, and I won't</p> <p>18 promise this -- you know, swear to the fact that those</p> <p>19 were the dates. But I believe Dottie told me about this</p> <p>20 earlier in that meeting. Then I had a meeting with</p> <p>21 Patrick and -- and Bob, where they -- I told you about</p> <p>22 that.</p> <p>23 And then I heard from Natalie that there was a</p> <p>24 whistleblower. They told her that's why they're --</p> <p>25 they're asking her to resign or whatever happened.</p> |

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| <p style="text-align: right;">Page 158</p> <p>1 And I didn't -- still didn't know that. And I</p> <p>2 think Natalie didn't know at the time that we were</p> <p>3 enmeshed in that. And, maybe naively, I figured they're</p> <p>4 just cleaning up their act and going through and -- with</p> <p>5 accountants or whatever and straightening out their</p> <p>6 problems, which made me only angrier.</p> <p>7 Q. Why -- why angrier?</p> <p>8 A. Because I thought everything that we were doing was</p> <p>9 perfect and fine and good and didn't involve anything</p> <p>10 that was a problem. So, why are they even cleaning it</p> <p>11 up? Why are they back -- back-billing me for stuff that</p> <p>12 was very, very clear that this was -- you know, they</p> <p>13 were servicing -- giving us service so we could better</p> <p>14 take care of our patients together in -- with the data.</p> <p>15 And --</p> <p>16 Q. Well, because, I mean, let's -- let's explore that a</p> <p>17 minute.</p> <p>18 It's -- are you pointing to the fact -- I mean, we</p> <p>19 have the spreadsheet, and there's the database where you</p> <p>20 can enter in who is where, if they're the palliative,</p> <p>21 are they not yet in hospice; right?</p> <p>22 Is that the support network you're talking about?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. The IT, in other words, the tech?</p> <p>25 A. Right. IT. Yes.</p> | <p style="text-align: right;">Page 160</p> <p>1 tracking, but to the best of my assessment, if you're</p> <p>2 making the system and -- and while you're making the</p> <p>3 system for you guys, it doesn't seem like it gets more</p> <p>4 complicated if you track all of our census so that we</p> <p>5 could be efficient, not only for them, for other</p> <p>6 agencies as well.</p> <p>7 And, you know, I don't know if there would be more</p> <p>8 cost related to it or -- I can't answer those questions</p> <p>9 as it's not my field of expertise, for sure.</p> <p>10 Q. But you were angry because you felt -- I mean -- well,</p> <p>11 how about free computers? Do you think that free</p> <p>12 computers is a thing that Hospice of Michigan should be</p> <p>13 giving you because you happen to sometimes use those</p> <p>14 computers for a person who happens to be at Hospice of</p> <p>15 Michigan?</p> <p>16 A. Yeah.</p> <p>17 Q. I see.</p> <p>18 So, why did you pay?</p> <p>19 A. I didn't.</p> <p>20 Q. You refused?</p> <p>21 A. (Nods head.)</p> <p>22 THE REPORTER: I'm sorry?</p> <p>23 A. Yes.</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. Joey had to sign later?</p>                                                                                                                                   |
| <p style="text-align: right;">Page 159</p> <p>1 Q. Okay. Because do you get that like -- I mean, giving</p> <p>2 you technology, software, licenses, tech support,</p> <p>3 computers, to do work that isn't related to Hospice of</p> <p>4 Michigan, that's -- why -- why would someone just give</p> <p>5 that away?</p> <p>6 A. I don't know what IT information they were doing and</p> <p>7 tracking for us. But it involved a lot more than</p> <p>8 census. I mean, this -- they were tracking our -- our</p> <p>9 patients and -- and what we -- what we were doing and</p> <p>10 who was going where and what was going -- how.</p> <p>11 Q. But that was all related to enrollees of Hospice of</p> <p>12 Michigan care; right?</p> <p>13 A. Uh-huh.</p> <p>14 THE REPORTER: I'm sorry. Is that --</p> <p>15 A. Yes.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. What was -- what was only for JHCN was its census</p> <p>18 database and keeping census through the electronic</p> <p>19 system; right?</p> <p>20 That was outside of Hospice of Michigan. It could</p> <p>21 be Hospice of Michigan people. It could be Beaumont</p> <p>22 people. It could be someone who is not in hospice at</p> <p>23 all; right?</p> <p>24 A. As I understand it, Sarah, I -- I'm not an IT expert or</p> <p>25 doing -- I'm not an expert at exactly what we're</p>                                                                   | <p style="text-align: right;">Page 161</p> <p>1 A. Joey later covered it.</p> <p>2 Q. And you likewise refused to track your time. Joey</p> <p>3 started writing down, you know, what -- who he saw on</p> <p>4 what days, but you also --</p> <p>5 A. All the other rabbis did that. I didn't.</p> <p>6 Q. Yeah.</p> <p>7 A. From the beginning, as we discussed, I never tracked my</p> <p>8 time for Hospice of Michigan.</p> <p>9 Q. Why -- they wanted you to; right?</p> <p>10 A. I don't --</p> <p>11 MR. MCGORISK: Objection. Form.</p> <p>12 A. -- recall them asking.</p> <p>13 MR. MCGORISK: Vague as to when.</p> <p>14 A. I think Natalie wanted me to.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Okay. Your -- your lawyer made a point about my</p> <p>17 question was vague because -- and that's a fair point.</p> <p>18 For most all of your relationship, Hospice of</p> <p>19 Michigan in no way, shape or form ever told you we care</p> <p>20 about you tracking your time, who your -- what patients,</p> <p>21 what days, how much hours; right?</p> <p>22 A. I can't talk to 25 years of experience, but I would</p> <p>23 presume that, in my earlier days, that they were asking</p> <p>24 me to do it. And I did do some recording in my earliest</p> <p>25 days while I was working for Hospice of Michigan.</p> |

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| <p style="text-align: right;">Page 162</p> <p>1 Q. Okay.</p> <p>2 A. By the time I left, I wasn't doing it.</p> <p>3 Q. And were you doing it basically by patient by the day?</p> <p>4 A. I -- I went to people that called me. I -- I had the</p> <p>5 independence to -- to make the visits and set the</p> <p>6 visits, and -- and my core job was to build relationship</p> <p>7 with the Jewish community. I also did their spiritual</p> <p>8 care, and they wanted to keep me for the spiritual care.</p> <p>9 I don't believe -- when I was at JHCN, I don't</p> <p>10 believe they asked me to -- to track the -- our visits.</p> <p>11 And I believe that Natalie did track the visits. I</p> <p>12 don't know if she wrote, you know, reviews of the -- of</p> <p>13 the visit or anything like that, but she -- I think she</p> <p>14 did track the visits.</p> <p>15 Q. All right. So, let me just unwind your answer for a</p> <p>16 minute.</p> <p>17 So, in the period you're working for Hospice of</p> <p>18 Michigan, before you go part-time -- so, you're an</p> <p>19 employee there. It's the 2000 to 20-- -- or nineties to</p> <p>20 2000 range. Your point was, you believe in there, you</p> <p>21 did track when you did do patient care in some sort of</p> <p>22 timekeeping?</p> <p>23 Is that what you just said?</p> <p>24 A. Repeat the last part of that.</p> <p>25 Q. Sure.</p>                                 | <p style="text-align: right;">Page 164</p> <p>1 A. You know, you're asking me no -- nobody. I will --</p> <p>2 again, I'm sorry. I interrupted you.</p> <p>3 Q. Am I correct that nobody asked you, "You're doing a bad</p> <p>4 job. You're not doing your recordkeeping. You need to</p> <p>5 do this better"?</p> <p>6 A. The only person that I recall was Natalie wanting those</p> <p>7 records from me, and I didn't write reports, but I told</p> <p>8 her about the different visits that I was doing.</p> <p>9 Q. And when you talk about Natalie asking that, that</p> <p>10 happened in 2022; right?</p> <p>11 A. Happened all the time.</p> <p>12 Q. That happened in 2011 and 2013 and --</p> <p>13 A. Whenever Natalie joined us, she wanted my -- my</p> <p>14 records --</p> <p>15 Q. Okay.</p> <p>16 A. -- to put it in our system.</p> <p>17 Q. But you don't have any records that show which days you</p> <p>18 did which services; is that just a fair summary?</p> <p>19 A. That's a question better asked of Natalie when she</p> <p>20 recorded it.</p> <p>21 Q. Okay.</p> <p>22 A. But Natalie was very informed about where I was</p> <p>23 visiting, when I was visiting, because it was integral</p> <p>24 to her to have that information.</p> <p>25 But in terms of reporting it, we -- I have to</p>                                                                                                                                                                          |
| <p style="text-align: right;">Page 163</p> <p>1 So, I'm -- I'm trying to understand your last</p> <p>2 answer, and I want to clarify if I understood it.</p> <p>3 That in the time that you worked at Hospice of</p> <p>4 Michigan, before you're part-time, which you think was</p> <p>5 around 2000, 2001, before that time, it sounds like you</p> <p>6 did have some expectation to keep track of your patient</p> <p>7 encounter time for Hospice of Michigan?</p> <p>8 A. Early on.</p> <p>9 Q. Okay.</p> <p>10 A. I believe, as there became a more -- comfort level</p> <p>11 between the arrangement between me and -- and -- and my</p> <p>12 employers, I think they -- they weren't demanding it any</p> <p>13 longer.</p> <p>14 Q. Okay. From 2010 to 2021, did you ever have any pressure</p> <p>15 to identify dates of service, what the service was, from</p> <p>16 Hospice of Michigan?</p> <p>17 A. Well, to qualify, I always did a report by -- I don't</p> <p>18 know how much detail, but at the team meetings, I would</p> <p>19 always report the patients I was working with, and, at</p> <p>20 least the narrative of visits that I made. And -- but I</p> <p>21 didn't fill out like time sheets or -- or notes, you</p> <p>22 know, on paper.</p> <p>23 Q. And nobody -- my point is, nobody had any problem with</p> <p>24 that. Nobody said, "You're failing us. You're doing a</p> <p>25 bad job. We need this"?</p> | <p style="text-align: right;">Page 165</p> <p>1 remind us, that we don't get reimbursement, and we don't</p> <p>2 get paid from people. So, keeping track, as far as I'm</p> <p>3 concerned, was not important to me. For -- for Natalie,</p> <p>4 it was important.</p> <p>5 Q. Okay. Nobody from Hospice of Michigan's C suite -- the</p> <p>6 COO, the CEO -- ever came to you and said, "Rabbi</p> <p>7 Freedman, you must keep track of your time" prior to</p> <p>8 2021; am I correct?</p> <p>9 A. I can't say no one, because that goes back like 25 years</p> <p>10 or so.</p> <p>11 But I can say that I don't recall anyone pressing</p> <p>12 me other than the earliest phase of my -- and I can't</p> <p>13 tell you how long that was. It could be one, two, three</p> <p>14 years. I -- I saw my role if that -- if this is helpful</p> <p>15 to you, as an administrative role that also took on the</p> <p>16 spiritual responsibility, the spiritual care</p> <p>17 responsibilities. And I always thought when I was</p> <p>18 part-time -- when I was part-time and full-time, I saw</p> <p>19 my role as an administrative role to see that all these</p> <p>20 patients are attended to.</p> <p>21 Very often that would be me. Very often it was</p> <p>22 other people, but we reviewed every single patient,</p> <p>23 Jewish patient, on the two team -- two teams, and that</p> <p>24 had my input on a regular basis that I told you, I</p> <p>25 think, numerous times now.</p> |



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| <p style="text-align: right;">Page 166</p> <p>1 Q. I want to just make sure I've got a clear answer that,</p> <p>2 until Natalie called you and said anything to you about</p> <p>3 being separated from Hospice of Michigan, no one else</p> <p>4 had previously fronted that to you, in other words,</p> <p>5 warned you or let you know that might be coming?</p> <p>6 A. To the best of my recollection, no.</p> <p>7 Q. Okay. So, when Natalie picks up the phone and you have</p> <p>8 this conversation, what -- did you follow up with anyone</p> <p>9 at Hospice of Michigan about why they did that?</p> <p>10 A. I don't -- I don't remember.</p> <p>11 Q. Well, did it make you mad that Natalie was being --</p> <p>12 A. Angry, you mean?</p> <p>13 Q. Did it make you angry that Natalie was being separated</p> <p>14 from Hospice of Michigan?</p> <p>15 A. Yes.</p> <p>16 Q. So, with that in mind, did you ever talk to anyone at</p> <p>17 Hospice of Michigan about why that decision was made</p> <p>18 ever at any point?</p> <p>19 A. I don't believe so.</p> <p>20 I'm -- could I have a moment to --</p> <p>21 Q. Sure. Give it some --</p> <p>22 A. -- think about it?</p> <p>23 Q. Yeah. Yeah.</p> <p>24 A. I do remember, because I made it clear to Natalie, that</p> <p>25 we would find a way to pick up the difference because</p> | <p style="text-align: right;">Page 168</p> <p>1 I don't know why they stopped paying me. I don't</p> <p>2 know anything -- I don't know anything about this case</p> <p>3 because no one talked to me about it.</p> <p>4 Q. And --</p> <p>5 A. No one from Hospice of Michigan ever talked to me about</p> <p>6 this particular case that we're -- we're dealing with.</p> <p>7 Q. Well, maybe about the case or not the case, but why they</p> <p>8 would stop paying Natalie --</p> <p>9 A. Well, they told her it was -- there's a whistleblower.</p> <p>10 Q. I understand.</p> <p>11 But weren't you worried that -- what about a</p> <p>12 whistleblower? Should I know something about Natalie?</p> <p>13 Is she a bad person? Did she do something wrong?</p> <p>14 MR. MCGORISK: Objection. Argumentative.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. I mean, that's what I'm trying to understand is, didn't</p> <p>17 that alarm you that -- that Hospice of Michigan would</p> <p>18 feel that getting rid of Natalie somehow cured or</p> <p>19 corrected a whistleblower?</p> <p>20 Wouldn't that worry you that, should I know</p> <p>21 something about that?</p> <p>22 MR. MCGORISK: Objection. Asked --</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Did she do something wrong? Is she -- you know, like,</p> <p>25 you didn't have any question about that?</p>                                                                                                                      |
| <p style="text-align: right;">Page 167</p> <p>1 she's --</p> <p>2 THE REPORTER: I'm sorry? Could you keep your</p> <p>3 voice up?</p> <p>4 A. Yeah. I'm sorry. I'm sorry. That's my way of</p> <p>5 thinking.</p> <p>6 THE REPORTER: Sorry.</p> <p>7 A. The -- to the best of my recollection, I took it at face</p> <p>8 value and -- that there was a whistleblower, and that</p> <p>9 they needed to clean this up. And just as it was</p> <p>10 irrevocable when they told me the data, "you must pay,"</p> <p>11 "you must pay," I wasn't going to argue with it, but I</p> <p>12 still was angry.</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Okay.</p> <p>15 THE REPORTER: "--- still was --"?</p> <p>16 A. I still was angry.</p> <p>17 THE REPORTER: Thank you. Sorry.</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. Okay. So, if I understand, though, you're angry. Your</p> <p>20 trusted employee, Natalie, has told you, "I'm being let</p> <p>21 go," something about a whistleblower. And you -- for</p> <p>22 many months after that, if not almost a year, you had no</p> <p>23 idea what more was about that or how you might be -- why</p> <p>24 she would be swept up in that? No idea?</p> <p>25 A. I had no idea why -- no, I had no idea.</p>                                                                                                         | <p style="text-align: right;">Page 169</p> <p>1 MR. MCGORISK: Same objection as before, and it's</p> <p>2 been asked and answered.</p> <p>3 Whatever you can -- you can --</p> <p>4 A. I became very -- I was very angry, but I did not discuss</p> <p>5 it with anyone. No one in Hospice of Michigan took the</p> <p>6 initiative to talk to me. And I just took care of our</p> <p>7 patients just as I always did, just as when they stopped</p> <p>8 my salary, I did it. And my primary interest is that</p> <p>9 our patients be served. If there's -- if we're spending</p> <p>10 \$671,000 to care for their patients, that's fine. We'll</p> <p>11 do it. We'll do it in the same way we always do it, and</p> <p>12 I never made a peep about not being paid to anyone,</p> <p>13 because I don't work for money. I work to take care of</p> <p>14 people. That's my mission.</p> <p>15 And the \$39,000 that was spent against the</p> <p>16 \$671,000, that I factored that -- that we were spending</p> <p>17 on their patients didn't mean anything to me.</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. Well, six hundred --</p> <p>20 A. And it didn't make me like Hospice of Michigan any more</p> <p>21 or be favorable towards them, but I just took it in</p> <p>22 stride.</p> <p>23 Q. But the six hundred-and-some-thousand wasn't your money,</p> <p>24 sir; right? That's not your money that you're spending,</p> <p>25 whereas the \$43,000 was coming to you; right?</p> |



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| <p style="text-align: right;">Page 170</p> <p>1 A. Who do you think raises --</p> <p>2 Q. Am I right?</p> <p>3 A. -- that money?</p> <p>4 Yeah -- no.</p> <p>5 I raised the money and take responsibility for --</p> <p>6 there's other people on the staff that raise money as</p> <p>7 well. I take the responsibility to pay our entire</p> <p>8 budget every year. I've done it for 25 years. I'll do</p> <p>9 it for the next few years. And if it comes from one</p> <p>10 place or comes from another, I'll have to raise the</p> <p>11 money.</p> <p>12 So, now I have to raise, you know, whatever, the</p> <p>13 same thing.</p> <p>14 Q. So, you looked at it as you had this, you know,</p> <p>15 essentially responsibility to earn it. And equally,</p> <p>16 what, it was money out of your pocket if you spent it on</p> <p>17 HOM staff? I -- I'm not understanding.</p> <p>18 Or HOM patients, I mean?</p> <p>19 MR. MCGORISK: Objection. Compound. Form.</p> <p>20 A. I was happy to do my work and excited to do my work, not</p> <p>21 just where the money came from. My responsibility was</p> <p>22 to raise the money. I looked for Hospice of Michigan,</p> <p>23 not to put my money away -- I think earlier I said that</p> <p>24 I got the money. I didn't look at it. I didn't know</p> <p>25 about it. And, frankly, I don't really care about it.</p>                                                                                                                                                                  | <p style="text-align: right;">Page 172</p> <p>1 without.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. Did all of the entities in Exhibit 1 on page 10 that we</p> <p>4 looked at earlier, the hospices and the other hospitals,</p> <p>5 did they all have a moral obligation to pay you as well?</p> <p>6 A. Yeah. And I went to them and I asked them to help, and</p> <p>7 some did a small amount. It often was related on their</p> <p>8 side to how many patients they had with us and whatever.</p> <p>9 Their intentions were great as long as they were helping</p> <p>10 us.</p> <p>11 Q. But none of them -- did you ask any of them to pay you</p> <p>12 personally and individually?</p> <p>13 A. I was paid --</p> <p>14 Q. I'm asking if you --</p> <p>15 A. -- from not --</p> <p>16 Q. -- asked any of the entities on 10 and 11 to pay you</p> <p>17 personally and individually --</p> <p>18 A. No, but --</p> <p>19 THE REPORTER: I'm sorry?</p> <p>20 A. May I continue?</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. No, that's the answer.</p> <p>23 Did you talk to Bob Cahill and Patrick Miller that</p> <p>24 Greg Parry had said that the relationship with Hospice</p> <p>25 of Michigan and Jewish Hospice Chaplaincy Network could</p> |
| <p style="text-align: right;">Page 171</p> <p>1 I build relationships, and I ask people that work</p> <p>2 with us, I ask them to share in the responsibility that</p> <p>3 I have to raise all the money.</p> <p>4 I asked Hospice of Michigan to do what people</p> <p>5 throughout the community and organizations throughout</p> <p>6 the community and foundations all over the place, I</p> <p>7 asked them to pay a fair share of how much they benefit.</p> <p>8 So, I don't know who is implying that that was a</p> <p>9 kickback, but it never crossed my mind that that was a</p> <p>10 kickback.</p> <p>11 It crossed my mind that it's -- that Hospice of</p> <p>12 Michigan is getting a heck of a lot of benefit from all</p> <p>13 the work we do, and I think they would have a moral</p> <p>14 obligation to pay, not the whole thing, because they</p> <p>15 didn't hire -- you know, tell me to do enrichments or</p> <p>16 things like that. I understood that. But in the fact</p> <p>17 that how much we're helping them with their patients and</p> <p>18 building patient satisfaction and -- and -- and</p> <p>19 improving their reputation all throughout the community</p> <p>20 and encouraging them to help us do the education that we</p> <p>21 do in the entire community, that's why I did it.</p> <p>22 The \$39,000 was a haircut that I took and took the</p> <p>23 risk with no other income to start fundraising and do</p> <p>24 this mission.</p> <p>25 We did pretty well, with Hospice of Michigan or</p> | <p style="text-align: right;">Page 173</p> <p>1 be seen as violating the anti-kickback statute?</p> <p>2 A. No.</p> <p>3 Q. Are you sure about that?</p> <p>4 A. I don't recall.</p> <p>5 Q. Well, don't you think that would be something that would</p> <p>6 stand out if Bob Cahill had a meeting with you and told</p> <p>7 you our lawyers are saying there could be an</p> <p>8 anti-kickback statute violation?</p> <p>9 Wouldn't that stand out?</p> <p>10 A. Well -- ask the question again, please.</p> <p>11 Q. Sure.</p> <p>12 I mean, let's back up a little bit and -- so, do</p> <p>13 you know -- you know generally what the anti-kickback</p> <p>14 statute is?</p> <p>15 A. I do.</p> <p>16 Q. Okay. And do you know that if you violate it, you can</p> <p>17 go to jail?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. And also people can get shut down and fined giant</p> <p>20 amounts; right?</p> <p>21 A. I do.</p> <p>22 Q. Okay. So, in other words, not something you want to be</p> <p>23 caught up in; fair?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. So, my question was, that -- did Bob Cahill and</p>                                                                                                                         |

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| <p style="text-align: right;">Page 174</p> <p>1 Patrick Miller talk to you at any point and say,</p> <p>2 "Greg Parry, this lawyer at our offices, is sending us</p> <p>3 the anti-kickback statute, is telling us that there's an</p> <p>4 issue or concern or problem"?</p> <p>5 Did they ever convey anything like that to you?</p> <p>6 A. I don't recall. I don't think it happened.</p> <p>7 Q. And then I followed up and said, well, that would</p> <p>8 probably stand out to you, right, if you were being</p> <p>9 accused --</p> <p>10 A. Yes.</p> <p>11 Q. -- of violating federal law --</p> <p>12 A. Yes.</p> <p>13 Q. -- fair?</p> <p>14 Okay. Cahill testified that in the mid-July</p> <p>15 meeting, he specifically talked to you about the</p> <p>16 anti-kickback statute, Parry sending copies of the</p> <p>17 statute, and that he gave you a heads-up, and he thought</p> <p>18 you might have said, because you're religious, you're</p> <p>19 protected, or words to that effect.</p> <p>20 A. Not true.</p> <p>21 Q. Do you recall any of that?</p> <p>22 A. No.</p> <p>23 Q. So, if he --</p> <p>24 A. I believe it didn't happen.</p> <p>25 Q. Okay.</p>                 | <p style="text-align: right;">Page 176</p> <p>1 A. I don't recall. I --</p> <p>2 Q. Is that something you would ever think about doing?</p> <p>3 A. No.</p> <p>4 Q. Did Patrick Miller ever joke with you about, you know,</p> <p>5 avoiding prison time in -- in any way?</p> <p>6 A. No.</p> <p>7 Q. So, suffice it to say that the -- you had no questions</p> <p>8 asked -- just to close out, you had no questions asked</p> <p>9 when Natalie Rosenfield came to you and said, something,</p> <p>10 something, whistleblower, Hospice of Michigan is letting</p> <p>11 me go? You just --</p> <p>12 MR. McGORISK: Objection. Asked and answered.</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. You just decided not to -- you didn't ask any questions</p> <p>15 thereafter?</p> <p>16 MR. McGORISK: You already asked him that about 30</p> <p>17 minutes ago.</p> <p>18 Objection. Asked and answered?</p> <p>19 A. My presumption -- and this is what remains in my memory,</p> <p>20 which may not -- may be imperfect like all humans, that</p> <p>21 there was no conversation with me informing me that this</p> <p>22 was brought to their attention.</p> <p>23 All I knew is they were changing the rules in the</p> <p>24 middle of the game, and I presumed it was about -- I --</p> <p>25 as I told you earlier, I attached it with what</p> |
| <p style="text-align: right;">Page 175</p> <p>1 A. Do you want a little more information on that?</p> <p>2 MR. McGORISK: No.</p> <p>3 A. Okay. Thank you.</p> <p>4 MR. McGORISK: Just answer the questions; okay?</p> <p>5 A. Yes. Thank you.</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. Did you ever say anything to the effect of, as a</p> <p>8 religious organization, JHCN was exempt or protected or</p> <p>9 wouldn't be looked at carefully?</p> <p>10 A. No.</p> <p>11 Q. Okay. Did -- whether it was mid-July or any other time,</p> <p>12 did you ever have a discussion with Cahill about the</p> <p>13 anti-kickback statute?</p> <p>14 MR. McGORISK: Objection. Asked and answered.</p> <p>15 A. Shall I answer it?</p> <p>16 MR. McGORISK: Yeah. Go ahead.</p> <p>17 A. Okay.</p> <p>18 I don't believe I have ever -- ever had a</p> <p>19 conversation with Bob Cahill about anti-kickback.</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. How about with Patrick Miller?</p> <p>22 A. No.</p> <p>23 Q. Did Patrick Miller ever suggest to you that Natalie</p> <p>24 should be removed from the JHCN website so that her role</p> <p>25 with JHCN wouldn't be so transparent and easy to see?</p> | <p style="text-align: right;">Page 177</p> <p>1 Dottie had told me, that they have some problems and</p> <p>2 they need to clean up their act.</p> <p>3 And I don't believe there was a conversation ever.</p> <p>4 I don't believe I heard Mr. Parry's name until quite</p> <p>5 recently.</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. Fair enough. Maybe not the name but the role.</p> <p>8 It sounds like even the role, nothing -- this just</p> <p>9 is not familiar to you?</p> <p>10 A. Yeah.</p> <p>11 Q. Until the lawsuit happens; is that --</p> <p>12 A. Correct. Yeah.</p> <p>13 Q. Okay.</p> <p>14 (Discussion held off the record.)</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Same thing with the IT. They just explained to you,</p> <p>17 "Hey, look, we need to have you repay," and you never</p> <p>18 got an explanation why? Is that a good summary?</p> <p>19 A. I distinctly recall, after the meeting, I wrote some</p> <p>20 notes but I -- I tried to look for them, find those</p> <p>21 notes that I wrote contemporaneously. I couldn't find</p> <p>22 them. But I remember my frame of mind that they were</p> <p>23 incredibly disrespectful to me. They were -- they</p> <p>24 called me to come have a conversation, and it wasn't a</p> <p>25 conversation. They told it -- told me the rules. I</p>                         |

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| <p style="text-align: right;">Page 178</p> <p>1 kept saying, "but," "but," "but," and they said, "Well,</p> <p>2 here is what -- it's being -- here is your bill."</p> <p>3 And I thought some wicked accountant decided to</p> <p>4 tell them that they better get the money, and -- and</p> <p>5 they were sticking me with the bill.</p> <p>6 And, as I told you earlier, I paid -- never paid</p> <p>7 it. And -- and I -- I wouldn't pay it.</p> <p>8 Q. Yeah.</p> <p>9 Did you tell them that, like this is -- "I'm not</p> <p>10 paying this"?</p> <p>11 A. No.</p> <p>12 Q. You just --</p> <p>13 A. I just walked out with the bill, and I don't even</p> <p>14 know -- I might have thrown it out right there.</p> <p>15 Q. But months passed, and eventually you started getting,</p> <p>16 what, letters from a lawyer saying, "If you don't pay</p> <p>17 this, we're going to take action."</p> <p>18 Do you remember that happening?</p> <p>19 A. No.</p> <p>20 Q. Do you remember them coming to you over and over again</p> <p>21 saying, "Sign it," "Sign it," "Sign it"?</p> <p>22 A. I don't recall.</p> <p>23 Q. Okay.</p> <p>24 A. I -- put it this way. If they did come to me, I -- I</p> <p>25 ignored it.</p>                                                                                           | <p style="text-align: right;">Page 180</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And was there any dialog or discussion with JHCN</p> <p>3 about how they would extend this payment to Rabbi</p> <p>4 Krakoff and then he would increase their census by</p> <p>5 getting more Jewish patients to come there?</p> <p>6 A. I'm pretty sure --</p> <p>7 MR. MCGORISK: Objection. Foundation.</p> <p>8 THE REPORTER: I'm sorry?</p> <p>9 A. I -- I'm pretty sure there was never a conversation of</p> <p>10 that nature.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Would that surprise you to know that that's what they</p> <p>13 were discussing in internal e-mail?</p> <p>14 A. That's judgment. I don't know.</p> <p>15 Q. Okay. So, what was going to change once Rabbi Krakoff</p> <p>16 signed the contract from your perspective?</p> <p>17 When you went to Patrick and said, "Let's get him</p> <p>18 on an agreement," what was going to be the difference in</p> <p>19 the way he served HOM from before the contract to after?</p> <p>20 A. My expectation was that -- and this is why -- what --</p> <p>21 where -- why I went to him, is that Rabbi Krakoff was</p> <p>22 going to be my successor, and we had succession plans in</p> <p>23 place.</p> <p>24 And if he is going to be my successor, it is</p> <p>25 presumed that he'll be the man, the go-to person</p>                                                                                                                                                                                 |
| <p style="text-align: right;">Page 179</p> <p>1 Q. Okay. And that goes back to ghosting, which is how we</p> <p>2 got on this whole --</p> <p>3 A. What?</p> <p>4 Q. That -- now I want to go back to ghosting.</p> <p>5 So, Patrick -- you go to him about Krakoff.</p> <p>6 Initially he seems happy to make it happen. Eventually,</p> <p>7 he goes silent on you. He's ghosting.</p> <p>8 Does he, at any point, say to you, "We do not think</p> <p>9 we should extend this agreement to Rabbi Krakoff"?</p> <p>10 A. I don't believe so.</p> <p>11 Q. Did he ever tell you, "We have a legal problem. Our</p> <p>12 lawyer is throwing up concerns and we're not going to be</p> <p>13 able to do this"?</p> <p>14 A. Again, I don't recall that that happened.</p> <p>15 My presumption is it doesn't -- I'm just trying to</p> <p>16 give you a sense of my -- you asked me about frame of</p> <p>17 mind. And my presumption is that it didn't happen. And</p> <p>18 I think you're correct. It would probably have stuck in</p> <p>19 my memory.</p> <p>20 Q. Certainly, no one says, "That would be a kickback.</p> <p>21 We're not doing that. We're -- we're not -- that's not</p> <p>22 happening"; right?</p> <p>23 MR. MCGORISK: Objection. Foundation.</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. Am I correct?</p> | <p style="text-align: right;">Page 181</p> <p>1 for J- -- for Hospice of Michigan when they interact</p> <p>2 with JHCN, matters of patient, policy. All the other</p> <p>3 questions that I was dealing with, he would deal with.</p> <p>4 And if there were problems in the service of delivery,</p> <p>5 he would be on the scene. If there were problems with</p> <p>6 specific patients, he would be on the -- you know, he</p> <p>7 would be actively involved.</p> <p>8 And I thought it would be a really good idea for</p> <p>9 them to transition where both he -- for some period of</p> <p>10 time, undeclared, we would be working together, and I</p> <p>11 would be mentoring him and coaching him, and, you know,</p> <p>12 teaching him the ropes and introducing around to all the</p> <p>13 patient service people for -- at Hospice of Michigan and</p> <p>14 the teams, and it would be a wise thing for the</p> <p>15 succession planning and continuity of the relationship</p> <p>16 that he start while during this transition point and</p> <p>17 that be offered some compensation just like I was.</p> <p>18 Q. Was Rabbi Krakoff going to the IDT meetings prior to</p> <p>19 2022?</p> <p>20 A. No. May have -- might have -- he was probably</p> <p>21 introduced, but I don't think he was -- well, 2022.</p> <p>22 Prior to '22?</p> <p>23 He might have been at some meetings. Yeah.</p> <p>24 Q. Was he also someone who could be called if there was a</p> <p>25 patient care issue or unacceptable service or sorting</p> |

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| <p style="text-align: right;">Page 182</p> <p>1 things out by HOM before 2022?</p> <p>2 A. Not principally. Maybe.</p> <p>3 Q. Was he doing that role at all in November 2022?</p> <p>4 A. Well -- well, he -- I was -- there was the succession</p> <p>5 plan, and wherever I could include him on -- on stuff, I</p> <p>6 was doing that --</p> <p>7 Q. Okay. So --</p> <p>8 A. -- as we learned, you know --</p> <p>9 Q. -- why would he get paid after the contract? What would</p> <p>10 be the additional services that he was not doing and not</p> <p>11 getting -- because he wasn't getting paid before a</p> <p>12 contract was in place by HOM; right?</p> <p>13 A. Uh-huh.</p> <p>14 THE REPORTER: I'm sorry. Is that --</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Yeses and nos.</p> <p>17 A. Ask me the question again.</p> <p>18 Q. Rabbi Krakoff was not getting paid by Hospice of</p> <p>19 Michigan before 2022; correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So, is there any new duty that he had never done</p> <p>22 before that he was going to do only after 2022?</p> <p>23 A. Attend meetings and --</p> <p>24 Q. But he attended meetings in 2021.</p> <p>25 A. Occasionally. He wouldn't attend regularly, like I was.</p>                                                                                                                                                                                                                                                                                                     | <p style="text-align: right;">Page 184</p> <p>1 just throwing out what -- what is a possibility. Let's</p> <p>2 increase my -- my rate of payment, not to me but the</p> <p>3 total amount, \$50,000, and let's say we did \$25,000 and</p> <p>4 \$25,000. I must have suggested something like that</p> <p>5 or -- and -- and then decrease mine, not over five</p> <p>6 years, but, you know, take a little time until I step</p> <p>7 back and I'm not attending those meetings and Joey has</p> <p>8 taken over the whole shebang.</p> <p>9 Q. You didn't attend full IDT meetings; right?</p> <p>10 A. We -- no, I did not.</p> <p>11 Q. Do you have any record of what portion of IDT meetings</p> <p>12 you did attend?</p> <p>13 A. Well, as long as it took. And it was very different</p> <p>14 each time that we covered all the patients.</p> <p>15 Biweekly, we divided the -- our patients in half,</p> <p>16 and each week we would cover them, and then that would</p> <p>17 rotate continually.</p> <p>18 Q. What did you cover?</p> <p>19 Mrs. Jones is being seen by Rabbi Kaluzny, and</p> <p>20 she's got a care plan in place.</p> <p>21 What else would you cover?</p> <p>22 A. Well, what we did is, we heard from the team what they</p> <p>23 had been doing. They heard from us what we were doing,</p> <p>24 and then they had a complete report. And it was to --</p> <p>25 to make it very smooth and clear that we were sharing</p> |
| <p style="text-align: right;">Page 183</p> <p>1 So, he would -- he was called in to introduce him,</p> <p>2 to my -- to the best of my recollection and show up at</p> <p>3 certain meetings, but it was not on -- on any kind of</p> <p>4 permanent role. He was going to take over a permanent</p> <p>5 role, and we would double-duty so that he could -- we</p> <p>6 could -- I could give him guidance and -- and support</p> <p>7 and help until he filled into this role.</p> <p>8 Q. And you would both be paid for a period? You would get</p> <p>9 your amount. He would get his amount; right? That was</p> <p>10 your pitch to Patrick Miller?</p> <p>11 A. I think. Again, I don't know if I have any records of</p> <p>12 these conversations.</p> <p>13 Remember, it was COVID then, and I was -- we met in</p> <p>14 a park, and I would bring two lawn chairs, and we would</p> <p>15 sit in the park and talk, me and him, not because of any</p> <p>16 big secrecy. That was the most convenient place during</p> <p>17 COVID to meet. And we talked about, in -- in more vague</p> <p>18 terms, about splitting immediately.</p> <p>19 You know, let's say I was getting paid 39 -- I'm</p> <p>20 just giving an example of what could have happened --</p> <p>21 you know, could -- we never came to any real agreement,</p> <p>22 ultimately.</p> <p>23 But I was suggesting that, why don't we just</p> <p>24 gradually reduce me and increase it, and let's take --</p> <p>25 let's say we would increase it maybe by \$10,000. I'm</p> | <p style="text-align: right;">Page 185</p> <p>1 responsibilities and we were sharing information.</p> <p>2 So, we would hear about her conditions, if it was a</p> <p>3 woman, condition, how much it changed or where it</p> <p>4 changed, what we have been doing in her spiritual care</p> <p>5 and her social work and our enrichments and we -- we</p> <p>6 would have a full-blown discussion as part of a joint</p> <p>7 team that was working together.</p> <p>8 Q. And so if -- were there spiritual care advisors at</p> <p>9 this -- these IDT meetings? Not JHCN?</p> <p>10 A. HOM?</p> <p>11 Q. Yeah. HOM's people?</p> <p>12 A. Yeah. Yes.</p> <p>13 Q. Right?</p> <p>14 A. Yes.</p> <p>15 Q. So, if these were people that were HOM staff that were</p> <p>16 spiritual care advisors for Mrs. Jones, then they</p> <p>17 just physically, actually that spiritual care advisor</p> <p>18 went to the meeting; right?</p> <p>19 A. (Nods head.)</p> <p>20 THE REPORTER: I'm sorry?</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. Yeses and nos, if you can.</p> <p>23 A. The -- the team meetings, you're talking about?</p> <p>24 Q. Yeah, the IDTs.</p> <p>25 A. Yeah. Yeah.</p>                                                                                                                                                                                                                                                                        |

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| <p style="text-align: right;">Page 186</p> <p>1 So, the IDT --</p> <p>2 Q. So, but if -- by contrast, if, you know, my hypothetical</p> <p>3 Mrs. Jones is being seen by Rabbi Kaluzny, Rabbi Kaluzny</p> <p>4 wouldn't attend the IDT? You would, and then it was</p> <p>5 from you to her?</p> <p>6 A. To her, Rabbi Kaluzny?</p> <p>7 Q. Yeah.</p> <p>8 A. Yeah. Yeah.</p> <p>9 Q. And then if it was a non -- if it was one of the 30 or</p> <p>10 so that were not part of your paid staff, same story;</p> <p>11 right? You would report back to them?</p> <p>12 A. Sure.</p> <p>13 Q. They would not attend?</p> <p>14 A. They would stay in touch with their rabbis or who else</p> <p>15 is serving them. And -- or if they declined our</p> <p>16 services, you know, then there wouldn't be that much</p> <p>17 conversation, but there could be. We might be talking</p> <p>18 to relatives and things like that.</p> <p>19 Q. And how would you report to Hospice of Michigan about</p> <p>20 what 30 different people who don't work for you, the --</p> <p>21 the rabbis from around town of every description, what</p> <p>22 they're doing with the hypothetical Mrs. Jones or</p> <p>23 Mrs. Lee?</p> <p>24 A. We -- I would or Natalie would or other staff members</p> <p>25 would be in touch with those rabbis. And knowing that</p>                                                                                                     | <p style="text-align: right;">Page 188</p> <p>1 said, "We want services," we would ask specifically, "Is</p> <p>2 there a rabbi in your life?"</p> <p>3 Q. I understand.</p> <p>4 A. I think I said that earlier.</p> <p>5 Q. You did.</p> <p>6 A. Right.</p> <p>7 So, we would make contact with that rabbi and stay</p> <p>8 in touch with them and convey to them what they needed</p> <p>9 to know, if there was change in condition and so on and</p> <p>10 so forth. And --</p> <p>11 Q. But, I mean, just as you derived some value out of</p> <p>12 sitting and hearing from the team about Mrs. Jones or</p> <p>13 Mrs. Lee or whoever it is, you know, isn't the system</p> <p>14 set up that the actual care team for the actual patient</p> <p>15 be together to share knowledge together in real time?</p> <p>16 Isn't that what the insider SCAs are doing, the</p> <p>17 spiritual care advisors?</p> <p>18 A. So, these are rabbis. These are pulpit rabbis. They</p> <p>19 delegate to us. These are the people -- and tell</p> <p>20 people, "These are the people that know what they are</p> <p>21 doing. I will be in constant contact with them. They</p> <p>22 will be in constant contact with me."</p> <p>23 In hospice, generally -- there is nothing quite</p> <p>24 like Jewish Hospice Chaplaincy Network anywhere that I</p> <p>25 know of. But in hospice, in general, you don't invite</p> |
| <p style="text-align: right;">Page 187</p> <p>1 we would be reviewing those patients in the next couple</p> <p>2 weeks, we would make sure to call into those rabbis if</p> <p>3 they had anything to report about changes that they're</p> <p>4 witnessing or, you know, those kinds of things.</p> <p>5 Q. How often was each patient reviewed?</p> <p>6 Like did you need a one-time-a-month IDT for each</p> <p>7 patient or as-needed or every day, or how did --</p> <p>8 A. We -- we -- the system that we used is every -- twice a</p> <p>9 month, we would be reviewing patients, the same patient.</p> <p>10 We -- we do it every --</p> <p>11 Q. The same patient?</p> <p>12 A. Yeah. The -- each patient would be reviewed twice a</p> <p>13 month.</p> <p>14 Q. Okay. So, why would the actual spiritual care advisor</p> <p>15 on the file not attend the IDTs?</p> <p>16 A. The rabbi, you know, was a --</p> <p>17 Q. The rabbi, right. Yeah, that -- yeah.</p> <p>18 A. They were very busy people and they're -- oftentimes,</p> <p>19 many of these referrals were made by the rabbis who</p> <p>20 would call us because they don't have the expertise that</p> <p>21 we do in -- in hospice services and ask us, "Could you</p> <p>22 please?" "I sent someone to talk to you. Could you</p> <p>23 please?"</p> <p>24 And we would engage with the rabbi, and -- and we</p> <p>25 would -- and each time we -- someone came to us and</p> | <p style="text-align: right;">Page 189</p> <p>1 all the spiritual care people to -- to the -- the</p> <p>2 meetings. But, in our case, we really specialize in</p> <p>3 this work, and they invite us to be liaisons to -- to</p> <p>4 the rabbis, and we would communicate that.</p> <p>5 So, to bring every rabbi, it wouldn't happen. It's</p> <p>6 not possible that every rabbi that's looking at their</p> <p>7 patients will be making reports. We were the conduit to</p> <p>8 where -- so, we -- it was essentially a team, and we --</p> <p>9 the rabbis will delegate us to give the input that</p> <p>10 they're giving to us over to the table.</p> <p>11 Q. Did you insure the different rabbis that gave care,</p> <p>12 like medical malpractice or other malpractice-type</p> <p>13 insurance?</p> <p>14 A. No.</p> <p>15 Q. Did you carry insurance for the on-staff rabbis of JHCN?</p> <p>16 A. Yes. Yes.</p> <p>17 Q. Did you ever get asked to provide proof of malpractice</p> <p>18 insurance to Hospice of Michigan?</p> <p>19 A. I don't recall.</p> <p>20 THE WITNESS: But we have the malpractice</p> <p>21 insurance?</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. Do you --</p> <p>24 MR. MCGORISK: What's that?</p> <p>25 THE WITNESS: Do -- do we have malpractice</p>                                                                                                                          |

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| Page 190                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 192                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>1 insurance?</p> <p>2 MR. MCGORISK: I --</p> <p>3 A. Apparently so. Or whatever.</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Well, insurance --</p> <p>6 A. We're on a malpractice -- but we have malpractice</p> <p>7 insurance, yes.</p> <p>8 Q. Do you --</p> <p>9 A. Were we asked? I don't know.</p> <p>10 Q. Okay. So, you, obviously, have insurance. We know that</p> <p>11 because your lawyer mentioned it in another deposition</p> <p>12 about being retained by the -- a company.</p> <p>13 That makes sense.</p> <p>14 But I'm talking about insurance if the caregiver</p> <p>15 provides care that is negligent in the medical sense of</p> <p>16 the word.</p> <p>17 Do you know if you have that kind of particular</p> <p>18 insurance?</p> <p>19 A. Yes, we do.</p> <p>20 Q. Okay. But you don't know if you were ever asked to</p> <p>21 provide proof of that to HOM; right?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. Do you know if a -- like did you ever provide or</p> <p>24 do any kind of like criminal background search for the</p> <p>25 different rabbis who would be providing care and guided</p>                                                                                                                                                                                                                  | <p>1 Q. Did you require the pulpit rabbis to do any training?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. Require?</p> <p>5 No.</p> <p>6 Q. Did you -- what are contingent employees in your world?</p> <p>7 You mentioned that as a category.</p> <p>8 A. Some of the rabbis are staff, and they work -- well,</p> <p>9 really, they're part-time. That would be more accurate.</p> <p>10 I'm not sure if we have any contingent to pay -- we used</p> <p>11 to have them. We changed -- changed our system. We</p> <p>12 used to have a number of rabbis that would get paid for</p> <p>13 particular visits. We don't have that any more. We</p> <p>14 have either part-time employees that go through all this</p> <p>15 training and testing or full-time rabbis.</p> <p>16 Q. Okay. So, when you -- you don't -- in -- as of 2017 to</p> <p>17 2021, do you know whether there were any so-called or --</p> <p>18 air quotes -- I'm going to use the word "contingent</p> <p>19 employees" at JHCN, contingent rabbis?</p> <p>20 I gave you a time frame on that one.</p> <p>21 A. Yeah. I know, but I'm -- fitting the --</p> <p>22 Q. Don't know?</p> <p>23 A. -- time frame, I -- I don't know.</p> <p>24 Q. Okay.</p> <p>25 A. I don't think so, but that doesn't mean anything really</p>      |
| Page 191                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 193                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 by you, as you've just testified, through the IDT?</p> <p>2 A. So, let's make a distinction.</p> <p>3 There are employees of ours, part-time, contingent,</p> <p>4 or -- or full-time, and then there were these other</p> <p>5 rabbis that -- we're using the term "other rabbis."</p> <p>6 Let's call them "pulpit rabbis" just -- so, who are you</p> <p>7 talking about? My employees or pulpit?</p> <p>8 Q. Well, I'm not sure you and I agree on what an employee</p> <p>9 is. I'm still confused about that.</p> <p>10 But the pulpit rabbis who are not getting paid, and</p> <p>11 they're not getting paid by HOM and -- but you're</p> <p>12 attending the IDTs and relaying the care back and forth,</p> <p>13 you're the pivot point. You just testified about that.</p> <p>14 Did you have -- you didn't have malpractice</p> <p>15 insurance for them, first of all; right?</p> <p>16 A. Correct.</p> <p>17 Q. You didn't do criminal background searching for them;</p> <p>18 right?</p> <p>19 A. Correct.</p> <p>20 Q. You didn't do any kind of medical training, HIPAA and,</p> <p>21 you know, all those?</p> <p>22 A. We offered training to all the rabbis numerous times</p> <p>23 and -- but it was not extensive training. We were --</p> <p>24 you know, let them -- you know, gave them some tips or</p> <p>25 so.</p> | <p>1 concretely.</p> <p>2 Q. With -- with regard to the full- or part-time-employed</p> <p>3 rabbis, people that sometimes get paid, do you criminal</p> <p>4 background check those people?</p> <p>5 A. Yes.</p> <p>6 Q. Have you since 2010?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know when you started?</p> <p>9 A. I think so. I think so. No, I think we did, but I -- I</p> <p>10 wouldn't know.</p> <p>11 Q. Okay. Do you require any particular set of modules of</p> <p>12 training relative to any set of subjects?</p> <p>13 It could be EEO. It could be sharps. It could be</p> <p>14 HIPAA.</p> <p>15 Do you have a certain set of training that you</p> <p>16 require of the full- or part-time employee rabbis?</p> <p>17 A. Well, we require all our employed rabbis to come to the</p> <p>18 sessions that we train by -- it was Mike Paletta before</p> <p>19 he retired. He would do trainings for us that included</p> <p>20 HIPAA, included all -- all of these kinds of</p> <p>21 regulations. And I can't say every single one, but --</p> <p>22 but we were -- made sure that we were trained and in</p> <p>23 progress of disease and -- and background on hospice</p> <p>24 history, all kinds of stuff.</p> <p>25 So, I -- I don't know if we covered everything.</p> |



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| <p style="text-align: right;">Page 194</p> <p>1 And we have been trained in price-fixing and, of course,</p> <p>2 HIPAA.</p> <p>3 Q. Okay. So, you were paid about \$400,000 a year as CEO of</p> <p>4 JHCN to do -- well, that you were -- that's what your</p> <p>5 approximate annual pay was; correct? Or is it today</p> <p>6 even?</p> <p>7 A. I don't know what "pay" means, but with benefits and,</p> <p>8 you know -- I -- I'm not sure.</p> <p>9 Q. Okay.</p> <p>10 A. But something like that.</p> <p>11 Q. Okay. Your sal- -- it's a salary amount, and it's about</p> <p>12 \$400,000. There may be some benefits in there.</p> <p>13 Is that right?</p> <p>14 A. Correct.</p> <p>15 Q. Do they provide your housing?</p> <p>16 A. Well, they -- see, that's where it gets complicated.</p> <p>17 There was a parsonage for -- for clergy. So, part</p> <p>18 of that salary is parsonage, yes. But they don't</p> <p>19 provide any housing for me --</p> <p>20 Q. Did you ever --</p> <p>21 A. -- per se.</p> <p>22 Q. Okay. Did you ever tell JHCN -- excuse me -- HOM that</p> <p>23 you didn't provide employee benefits, and so Natalie</p> <p>24 Rosenfield needed to be an employee because there were</p> <p>25 no -- nobody got employee benefits at JHCN?</p>                                                                                           | <p style="text-align: right;">Page 196</p> <p>1 made a point that we should clarify.</p> <p>2 Did JHCN contract with an insurance company to</p> <p>3 provide you with medical, dental, those kinds of health</p> <p>4 benefits?</p> <p>5 A. No.</p> <p>6 Q. Okay. Did JHCN have any employee benefit plan, medical</p> <p>7 specifically --</p> <p>8 A. Medical, no.</p> <p>9 Go ahead.</p> <p>10 Q. -- at any time?</p> <p>11 A. No.</p> <p>12 Q. So, all --</p> <p>13 A. To my -- best of my knowledge, you know.</p> <p>14 Q. Okay. So, up until today, if anyone gets medical, then</p> <p>15 it's because they get some sort of pay that is for that,</p> <p>16 and then they go buy it wherever they buy it?</p> <p>17 A. Uh-huh. It's -- they're paid a salary, and it's called</p> <p>18 salary, and it incorporates, you know, the -- the cost</p> <p>19 of -- of -- when they're paid a salary, it's</p> <p>20 incorporated into their salary. Is that --</p> <p>21 Q. I -- I don't mean this to be complicated. I guess what</p> <p>22 I want to know is, do staff go buy their own policy --</p> <p>23 A. Yes.</p> <p>24 Q. -- through their -- or not?</p> <p>25 A. Or not.</p> |
| <p style="text-align: right;">Page 195</p> <p>1 A. I -- I don't know if I said "employee benefits," but she</p> <p>2 wasn't provided health care.</p> <p>3 Q. Why wasn't she provided health care?</p> <p>4 A. Because we didn't have people -- we didn't have a</p> <p>5 policy. We didn't have a health care -- we didn't</p> <p>6 provide health care.</p> <p>7 Q. But you got health care through JHCN from the beginning?</p> <p>8 A. That was part of my salary. I got paid, that it</p> <p>9 included -- but it was given to me as salary.</p> <p>10 Q. Did you convey, in any way, to HOM that benefits weren't</p> <p>11 available at JHCN to its staff?</p> <p>12 A. Health care, I did.</p> <p>13 Q. Okay. While at the same time you were, in fact,</p> <p>14 receiving health care from JHCN?</p> <p>15 A. I'm not --</p> <p>16 MR. MCGORISK: Objection. That misstates his</p> <p>17 earlier testimony. That's incorrect. He didn't say he</p> <p>18 was receiving health care. He said he was receiving</p> <p>19 salary to pay for health care. That is different.</p> <p>20 A. It was incorporated in my salary.</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. Okay.</p> <p>23 A. But that's internal, you know, things. We didn't have a</p> <p>24 policy that you could sign on with us --</p> <p>25 Q. Yeah, I don't want to -- okay. So, I think your counsel</p> | <p style="text-align: right;">Page 197</p> <p>1 Q. Right?</p> <p>2 Like -- and that's what you always did?</p> <p>3 A. Right.</p> <p>4 Q. Right?</p> <p>5 So, it's not like there's a Blue Cross plan and</p> <p>6 open enrollment every whatever? You don't do that at</p> <p>7 JHCN?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Including for Natalie?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. What happened that caused Natalie to be hired at</p> <p>12 Hospice of Michigan?</p> <p>13 A. Want to be more specific? "What happened"?</p> <p>14 Q. Do you know why they hired her?</p> <p>15 A. Yes.</p> <p>16 Q. Why?</p> <p>17 A. Because I went to Patrick and said I got a problem,</p> <p>18 therefore we have a problem.</p> <p>19 You know, I'm paraphrasing.</p> <p>20 Because Natalie just went through an operation that</p> <p>21 is not covered, and she's being billed all kinds of</p> <p>22 things and her -- her whole stability is being</p> <p>23 challenged. And if we don't have Natalie -- the two of</p> <p>24 us, our agencies, don't have Natalie, we will never be</p> <p>25 able to provide the services that -- that we are doing</p>                              |



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| <p style="text-align: right;">Page 198</p> <p>1 so thoroughly. And I'm worried that a lot could fall</p> <p>2 apart, particularly at Hospice of Michigan where Natalie</p> <p>3 is the -- makes everything happen. You know, she -- she</p> <p>4 gets the rabbis and gets their -- their paperwork and</p> <p>5 does a whole lot of things that -- and stays in touch</p> <p>6 with the staff at -- at HOM. And there's a whole lot of</p> <p>7 things that coordinate this -- this stuff. She's our</p> <p>8 care coordinator. And that's vital to -- to us getting</p> <p>9 the job done, and if we don't have her, I'm afraid --</p> <p>10 I'm going to have conversations with her. And although</p> <p>11 she didn't threaten that she's going to leave, I'm</p> <p>12 afraid she's going to want to go to somewhere that would</p> <p>13 provide these benefits. Can you help?</p> <p>14 And so I prodded. I made Patrick aware. And I</p> <p>15 asked, "Could you help?" And I -- I -- that was</p> <p>16 really -- so, I prodded it, if -- if that's your</p> <p>17 question.</p> <p>18 Q. Okay.</p> <p>19 A. That's where it came up from me.</p> <p>20 Q. Why didn't you just pay her some more?</p> <p>21 A. Because I didn't think we could do that because there's</p> <p>22 so many other employees that we're not providing this</p> <p>23 to, and if I started doing that, it would be a huge</p> <p>24 expense.</p> <p>25 Q. Well, couldn't you just give her a raise of 4,000 bucks</p> | <p style="text-align: right;">Page 200</p> <p>1 Q. Go ahead.</p> <p>2 A. I was under -- I was under immediate threat of her</p> <p>3 leaving and finding another more lucrative position.</p> <p>4 And I think -- thought she was worth a lot more. And I</p> <p>5 thought one of the places that we could -- what we do is</p> <p>6 we don't sell a product and then make money off of it,</p> <p>7 as you know. We have to go raise it. And anything --</p> <p>8 so, I look at who are the prospects that I could raise</p> <p>9 money from to -- to help different expenses. And</p> <p>10 that's -- that's what we do for a living and how we all</p> <p>11 get paid.</p> <p>12 Q. Okay.</p> <p>13 A. So, I went to what I thought was a very reasonable</p> <p>14 person who benefits from -- from Natalie, and I said,</p> <p>15 "Could you help on this problem?"</p> <p>16 Q. I --</p> <p>17 A. Because I needed help.</p> <p>18 Q. -- understand what you did. I understand what you did,</p> <p>19 but what I was asking was a different question.</p> <p>20 Why -- I understand the value you saw in her.</p> <p>21 A. Uh-huh.</p> <p>22 Q. I understand what you did.</p> <p>23 A. Uh-huh.</p> <p>24 Q. I'm -- my question is, why, understanding her value, you</p> <p>25 didn't devote some of the millions of dollars a year</p> |
| <p style="text-align: right;">Page 199</p> <p>1 a year and be done with it?</p> <p>2 A. \$4,000, did you say?</p> <p>3 Q. Whatever.</p> <p>4 I mean, let's call her cost of insurance \$12,000,</p> <p>5 \$1,000 a month in 20- -- whenever she started. 20- --</p> <p>6 MR. MCGORISK: '17.</p> <p>7 MS. SMITH-MORRIS: '17.</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. -- '17? Why couldn't you advance her salary by 12,000</p> <p>10 bucks?</p> <p>11 A. Essentially, I was asking her -- him to help whatever</p> <p>12 the cost is.</p> <p>13 I didn't propose to him how we could do it, what he</p> <p>14 could do. I just said, "We have a problem. What can</p> <p>15 you do?"</p> <p>16 Q. My question isn't what you said or what he could have</p> <p>17 done or not done. My question is why you didn't just</p> <p>18 pay her a raise. "Hey, I --"</p> <p>19 MR. MCGORISK: Object --</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. "I focused on how important you are, and I realize how</p> <p>22 many things you're handling. I'm going to give you a</p> <p>23 raise?"</p> <p>24 MR. MCGORISK: Objection. Asked and answered.</p> <p>25 BY MS. PRESCOTT:</p>                                                                                                                                                                                                                                                                                                                                        | <p style="text-align: right;">Page 201</p> <p>1 that you've been so successful in fundraising to pay for</p> <p>2 her benefits?</p> <p>3 MR. MCGORISK: Objection. Asked and answered.</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Or just --</p> <p>6 A. Essentially that's exactly what I did. That's a good</p> <p>7 suggestion. I went out and sought the money from people</p> <p>8 that take an interest in -- in the work that we do. And</p> <p>9 I -- I -- and, you know, I could have went to someone</p> <p>10 else and got the money or tried to get the money or --</p> <p>11 you know, so -- but I went to a reasonable prospect,</p> <p>12 what it's called in fundraising.</p> <p>13 Q. But then --</p> <p>14 A. I didn't specify an amount. I asked, "Can you help?"</p> <p>15 Q. And how?</p> <p>16 A. Very much like I do all day long in fundraising. I</p> <p>17 develop.</p> <p>18 Q. Natalie provided services across the entire spectrum of</p> <p>19 southeast Michigan hospices without respect to whether</p> <p>20 they paid or helped in 2017, didn't she?</p> <p>21 A. Correct.</p> <p>22 Q. And she was a care coordinator in the center of all of</p> <p>23 those relationships; right?</p> <p>24 A. Correct.</p> <p>25 Q. But no one in 2017 had the number of patients that they</p>                                 |

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| <p style="text-align: right;">Page 202</p> <p>1 were caring for that was as high as Hospice of Michigan</p> <p>2 when it came to JHCN patients; isn't that correct?</p> <p>3 A. The -- correct.</p> <p>4 MR. MCGORISK: Objection.</p> <p>5 A. On the last --</p> <p>6 MR. MCGORISK: Go ahead.</p> <p>7 A. The -- the -- it's correct. On the last statement you</p> <p>8 said that no one had as high -- I mean, I think we</p> <p>9 established that, but you said it and I didn't know if</p> <p>10 that was the case always or sometimes or -- but --</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. There's an -- there's an endowment you've raised money</p> <p>13 for at JHCN in -- in addition to the operating -- the</p> <p>14 amount that goes to operating every year?</p> <p>15 A. Uh-huh.</p> <p>16 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>17 A. Yes.</p> <p>18 Yes. I'm sorry.</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. And that was in the millions of dollars in 2017 as well;</p> <p>21 correct?</p> <p>22 A. I don't recall, but I'll -- as for purposes of</p> <p>23 conversation, let's say, I'll answer the question.</p> <p>24 Q. Did Natalie Rosenfield deliver more and different</p> <p>25 services to Hospice of Michigan in 2018 than she did in</p> | <p style="text-align: right;">Page 204</p> <p>1 MR. MCGORISK: Objection.</p> <p>2 A. I would suggest --</p> <p>3 MR. MCGORISK: Misstates his earlier testimony.</p> <p>4 A. -- that you ask that question to Bob Cahill or Patrick</p> <p>5 or -- I don't -- I don't know the answer to it.</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. Because you didn't structure -- you didn't suggest be an</p> <p>8 employee. Your point has been -- and I'm just catching</p> <p>9 on --</p> <p>10 A. Thank you.</p> <p>11 Q. -- "can you help?"</p> <p>12 A. Yes.</p> <p>13 Q. And so are -- is it your position that they came in</p> <p>14 with, "We will put her on our payroll as an employee"?</p> <p>15 That wasn't from you; that was from them?</p> <p>16 A. Correct.</p> <p>17 Q. I see. Okay.</p> <p>18 So, you did not ask for her to be -- become an</p> <p>19 employee of Hospice of Michigan?</p> <p>20 A. I would have been just as happy if they -- they gave a</p> <p>21 donation towards that.</p> <p>22 Q. Do you remember anything from the call when she says</p> <p>23 she's let go by them that you haven't told me about</p> <p>24 today?</p> <p>25 A. Frankly, I don't remember the call, but Natalie has told</p>                                                                                                       |
| <p style="text-align: right;">Page 203</p> <p>1 2016?</p> <p>2 MR. MCGORISK: Objection. Foundation.</p> <p>3 A. I think Natalie's role -- I think Natalie's role expands</p> <p>4 and expands and expands with our -- our census, our</p> <p>5 census size and with all the additional programs</p> <p>6 we're -- we're adding and including her care --</p> <p>7 THE REPORTER: I'm sorry. "-- including --"?</p> <p>8 A. Care coordination.</p> <p>9 She's providing these services. And, yeah, her</p> <p>10 role is constantly expanding. So, she's providing more</p> <p>11 services each year.</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. What did you understand she was going to do for Hospice</p> <p>14 of Michigan when hired by them that she did not do for</p> <p>15 them before being hired?</p> <p>16 A. I don't know that. I don't know that she was going to</p> <p>17 do more or less.</p> <p>18 Q. Okay.</p> <p>19 A. I asked for help.</p> <p>20 Q. Okay.</p> <p>21 A. I was looking for a contribution or some sort.</p> <p>22 Q. Why have her hired rather than, "Give us a donation,</p> <p>23 please. We have a special need"?</p> <p>24 They gave you dotations other times; right?</p> <p>25 A. Well, I would suggest --</p>                              | <p style="text-align: right;">Page 205</p> <p>1 me that she told me at that time, and I accept that at</p> <p>2 face.</p> <p>3 Q. Okay. You mentioned Joey Krakoff and Dottie Deremo both</p> <p>4 mentioned something about a whistleblower. You</p> <p>5 mentioned one -- somehow along the way you thought that</p> <p>6 it was a lawyer.</p> <p>7 Do you remember anything else from the conversation</p> <p>8 with Dottie Deremo and something to do with a</p> <p>9 whistleblower?</p> <p>10 A. No.</p> <p>11 Q. Context or any other details?</p> <p>12 A. Actually, I remember that she told me, you know, there's</p> <p>13 a whistleblower with a lawyer -- involving a lawyer.</p> <p>14 Nothing about the context and our relationship to</p> <p>15 it, and I don't know if she knew about that.</p> <p>16 Q. And she didn't share with you how she had heard; is that</p> <p>17 right?</p> <p>18 A. No.</p> <p>19 Q. Okay. You mentioned Joey Krakoff had also said</p> <p>20 something to you about a whistleblower. I think the</p> <p>21 context was before -- you know, sometime before you ever</p> <p>22 understood it was related to JHCN.</p> <p>23 What -- what do you recall about Joey telling you</p> <p>24 about a whistleblower?</p> <p>25 A. I don't recall. Joey told me -- again, he told me that</p> |

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| Page 206                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 208                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>1 he told me.</p> <p>2 Q. Okay. So, Joey knew about -- anybody else that ever</p> <p>3 mentioned to you anything about a whistleblower that --</p> <p>4 before you knew there was a lawsuit?</p> <p>5 A. I -- I don't believe so.</p> <p>6 Q. And didn't -- do you remember asking Deremo or Krakoff</p> <p>7 any questions about what -- "Is it involving someone we</p> <p>8 know?" or did you ask anything to find out?</p> <p>9 A. I was blindsided --</p> <p>10 MR. MCGORISK: Excuse me.</p> <p>11 A. -- that -- that I didn't even know that I was -- there</p> <p>12 was a subpoena and that someone answered for it for me.</p> <p>13 I was -- had no information about the</p> <p>14 whistleblower.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Are you talking about the subpoena at your office and</p> <p>17 that someone had answered for you at your office?</p> <p>18 A. Uh-huh.</p> <p>19 THE REPORTER: I'm sorry. Is that "yes"?</p> <p>20 MR. MCGORISK: "Yes"?</p> <p>21 A. Yes.</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. Okay. Did you know that we tried many times to get</p> <p>24 agreement of your lawyers that no one would be coming to</p> <p>25 your home, no one would be coming to your office? We</p>                                | <p>1 included in any of that?</p> <p>2 MR. MCGORISK: No. I was included early on and</p> <p>3 advised you on January 9th, even before that, when I</p> <p>4 talked to Annemarie in December, that I was representing</p> <p>5 the rabbi through a phone call. And then I sent a</p> <p>6 letter and indicated I was responding to the subpoena</p> <p>7 and the request for documents. So --</p> <p>8 MS. PRESCOTT: Well, actually, in your e-mails, you</p> <p>9 said, "I do not have authority to accept a subpoena,"</p> <p>10 and we asked you to please accept it.</p> <p>11 Do you remember that?</p> <p>12 MR. MCGORISK: I -- I said at that point in time, I</p> <p>13 had not made contact with my client as of yet, and I</p> <p>14 didn't get -- receive authorization to -- to accept</p> <p>15 service.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Okay. So, you were blindsided?</p> <p>18 A. Yes.</p> <p>19 Q. If you think I think it's fun to go running around</p> <p>20 trying to find people instead of going to your lawyer's</p> <p>21 office, you're -- you would be sadly mistaken. I would</p> <p>22 much rather serve your lawyer and leave you alone.</p> <p>23 MR. HERSCHFUS: Is that a statement or a question?</p> <p>24 MS. PRESCOTT: It's a statement because I think</p> <p>25 he's being misled by you.</p> |
| Page 207                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 209                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>1 would be happy to give it to them?</p> <p>2 Did you know that?</p> <p>3 MR. MCGORISK: Well, let me just object insofar as</p> <p>4 I was not involved at that time. So, when you're</p> <p>5 pointing to the lawyers --</p> <p>6 MR. HERSCHFUS: Nor was I, by the way.</p> <p>7 MR. MCGORISK: Are you talking about the subpoena</p> <p>8 for his deposition --</p> <p>9 MS. PRESCOTT: Yeah.</p> <p>10 MR. MCGORISK: -- or the records?</p> <p>11 MS. PRESCOTT: The subpoena for the deposition.</p> <p>12 MR. MCGORISK: Oh, well --</p> <p>13 MS. PRESCOTT: That's the only thing that got</p> <p>14 delivered to his office.</p> <p>15 BY MS. PRESCOTT:</p> <p>16 Q. Did you know that your lawyers pushed us into having to</p> <p>17 track you down at your home? Some people came to your</p> <p>18 home, people came to your office because they wouldn't</p> <p>19 just take it in their office? Did you know that?</p> <p>20 MR. MCGORISK: Well --</p> <p>21 MR. HERSCHFUS: Well, while you're swinging --</p> <p>22 while you're swinging your hand across the table, you've</p> <p>23 never had any contact with me whatsoever. So, that --</p> <p>24 I'm certainly not included in that.</p> <p>25 Brian, am I correct? You -- you were never</p> | <p>1 MR. HERSCHFUS: Well, let -- let me make it</p> <p>2 abundantly clear.</p> <p>3 You don't know me, and before you make any</p> <p>4 accusations on the record, you better be very careful,</p> <p>5 because while you've got some professional issues that</p> <p>6 you are crossing the line on, you also have to be</p> <p>7 abundantly careful about what you say about what an</p> <p>8 attorney did or didn't do, particularly when you've</p> <p>9 never ever dealt with me.</p> <p>10 MS. PRESCOTT: Oh, I'm sorry. You were on the</p> <p>11 record to the federal court yesterday saying --</p> <p>12 MR. HERSCHFUS: I give you --</p> <p>13 MS. PRESCOTT: -- you were in all the meetings --</p> <p>14 THE REPORTER: I'm sorry?</p> <p>15 MR. HERSCHFUS: I give you some --</p> <p>16 MS. PRESCOTT: -- and that you were part of all of</p> <p>17 this.</p> <p>18 MR. HERSCHFUS: I give you some caution because</p> <p>19 your behavior --</p> <p>20 MS. PRESCOTT: I give it right back to you, sir.</p> <p>21 MR. HERSCHFUS: -- in both -- in both depositions</p> <p>22 has been less than professional, and your behavior right</p> <p>23 now --</p> <p>24 MS. PRESCOTT: Well, the feeling is so mutual.</p> <p>25 MR. HERSCHFUS: -- while the --</p>                                                                     |

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| <p style="text-align: right;">Page 210</p> <p>1 MS. PRESCOTT: Believe me.</p> <p>2 MR. HERSCHFUS: -- deposition may not be picking up</p> <p>3 your -- your bodily genaflections(ph) or the way you're</p> <p>4 behaving or when you decide to raise your voice, it's</p> <p>5 just unprofessional.</p> <p>6 MS. PRESCOTT: Okay. Well, luckily I don't define</p> <p>7 my professional duties in the same way you do because I</p> <p>8 don't lie to federal judges.</p> <p>9 MR. HERSCHFUS: Right.</p> <p>10 MS. PRESCOTT: But we can move on.</p> <p>11 MR. HERSCHFUS: Right.</p> <p>12 MR. MCGORISK: You know, we're about ready to</p> <p>13 terminate the deposition, and you're going to have to go</p> <p>14 to court to -- to continue on. Because making your</p> <p>15 accusations against the lawyers here, I think, is</p> <p>16 totally inappropriate, irresponsible and a breach of</p> <p>17 your fiduciary duty.</p> <p>18 So, if -- we're here to ask him questions, not make</p> <p>19 accusations.</p> <p>20 So, please, let's proceed because you're running</p> <p>21 out of time.</p> <p>22 MS. PRESCOTT: I'm comfortable.</p> <p>23 MR. MCGORISK: The seven and a half hours is going</p> <p>24 to be done pretty quickly.</p> <p>25 BY MS. PRESCOTT:</p>                                                                                                                                                 | <p style="text-align: right;">Page 212</p> <p>1 A. I think so, but I couldn't answer accurately.</p> <p>2 Q. Did Natalie's duties change from before she was</p> <p>3 separated from Hospice of Michigan to after?</p> <p>4 A. As I mentioned earlier, this may not be what you're</p> <p>5 answered, but as mentioned earlier, she constantly is</p> <p>6 expanding her role.</p> <p>7 So, I don't know if we added in anything, but her</p> <p>8 intensity is really incredibly, incredibly impressive,</p> <p>9 to me and to everybody on our team.</p> <p>10 So, she is -- she is maxed out, I would think. I</p> <p>11 really do think that. We hired another -- well, one of</p> <p>12 the things we did for her is we -- we hired another</p> <p>13 social worker to -- to work with her. So, that changed,</p> <p>14 and I couldn't give you a date on that.</p> <p>15 Q. Do you know of any duties she did before the separation</p> <p>16 relative to Hospice of Michigan that she stopped doing</p> <p>17 after they let her go?</p> <p>18 She still served the patients. She still</p> <p>19 coordinated the care. She still attended the IDTs. She</p> <p>20 still educated people; right? She -- if anything, her</p> <p>21 census only grows and grows; is that fair?</p> <p>22 A. No. It's only fair to say that I don't -- can't label</p> <p>23 anything in particular right now, but that doesn't mean</p> <p>24 I won't figure it out or maybe even ask her if it</p> <p>25 changed.</p> |
| <p style="text-align: right;">Page 211</p> <p>1 Q. Did you increase the pay of anybody at JHCN or pay</p> <p>2 anybody at JHCN so that they could get benefits besides</p> <p>3 Natalie at any point?</p> <p>4 A. I don't understand your question.</p> <p>5 Q. Well, earlier I asked you if you received benefits</p> <p>6 through JHCN, and you said yes. And then we teased it</p> <p>7 out that actually you consider some of your salary to be</p> <p>8 for benefits, and you apply it accordingly; okay?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Do you -- does anybody else get paid for benefits that</p> <p>11 they then can apply accordingly?</p> <p>12 A. I don't know.</p> <p>13 Q. Have we talked about everything you do recall from</p> <p>14 whatever the meeting was at somewhere in July with Bob</p> <p>15 and Patrick in which they provide you an invoice, and</p> <p>16 you're frustrated or upset by the way they treated you,</p> <p>17 they disrespected you at that meeting?</p> <p>18 Is there anything else you recall being said in</p> <p>19 that -- in that meeting or any other subjects that were</p> <p>20 raised?</p> <p>21 A. I don't believe so.</p> <p>22 Q. After Natalie was let go by Hospice of Michigan, not</p> <p>23 only did you pay her so that she could buy benefits, but</p> <p>24 you also paid her to replace what Hospice of Michigan</p> <p>25 had been paying her; correct?</p> | <p style="text-align: right;">Page 213</p> <p>1 Q. I --</p> <p>2 A. So, I don't -- I don't have any reliable information</p> <p>3 about that.</p> <p>4 Q. Okay. Sitting here today, you know of no change in her</p> <p>5 duties -- you don't know right now any change of her</p> <p>6 duties from before and after her separation --</p> <p>7 A. Correct.</p> <p>8 Q. -- from Hospice of Michigan?</p> <p>9 A. That is correct.</p> <p>10 Q. Did -- did you discuss with Ms. Rosenfield her getting a</p> <p>11 lawyer or anything, consulting legal, about being</p> <p>12 separated from Hospice of Michigan so unceremoniously?</p> <p>13 A. I don't believe so.</p> <p>14 Q. When did you hear for the first time that Hospice of</p> <p>15 Michigan took the position that they fired Natalie</p> <p>16 because she was dually employed?</p> <p>17 A. In reading depositions.</p> <p>18 Q. Okay. Does that mean no one at Hospice of Michigan ever</p> <p>19 came to you and said, you know, "You should know, this</p> <p>20 is a dishonest person that we think has been very</p> <p>21 wrong"?</p> <p>22 A. No one at Hospice of Michigan ever spoke to me about</p> <p>23 this case.</p> <p>24 Q. Fair enough.</p> <p>25 A. Nor did they --</p>                                                                                                                                                                                                                                                   |

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| <p style="text-align: right;">Page 214</p> <p>1 Q. But they might say your employee is -- is, you know --</p> <p>2 A. I never heard anything -- any complaint about her.</p> <p>3 Q. And did anyone from Hospice of Michigan indicate in any</p> <p>4 way they didn't want to work with her any longer, she</p> <p>5 wasn't an honest person and they didn't think much of</p> <p>6 her?</p> <p>7 A. No one ever expressed that to me.</p> <p>8 Q. So, you don't know that Bob Cahill testified that he</p> <p>9 thinks she's dishonest and basically stole from Hospice</p> <p>10 of Michigan all those years she was employed?</p> <p>11 A. I heard that from Natalie last night.</p> <p>12 Q. And what's your reaction to that?</p> <p>13 You don't agree; right?</p> <p>14 A. Profound anger.</p> <p>15 Q. Yeah.</p> <p>16 Do you know anybody who does a job similar to what</p> <p>17 you do or -- and with regard to various hospices?</p> <p>18 It sounds like JHCN has a pretty unique model?</p> <p>19 A. The last statement is true. Do I --</p> <p>20 Q. Here in Michigan. Here in Michigan.</p> <p>21 A. No. No. I would agree with that statement even beyond</p> <p>22 Michigan.</p> <p>23 I'm not sure what you're defining as my duties</p> <p>24 or -- if you'll ask a question about JHCN, is there any</p> <p>25 organization that does what we do, I would say</p> | <p style="text-align: right;">Page 216</p> <p>1 whatever. Nothing ever changed to the best of my</p> <p>2 knowledge.</p> <p>3 Q. Just like someone came to you and said, "We need you to</p> <p>4 start paying for computers that we gave you seven years</p> <p>5 ago," did anyone ever come to you and say, "We think you</p> <p>6 should pay back any money that -- that was paid to you</p> <p>7 as salary"?</p> <p>8 A. Yeah. That was a meeting in Ann Arbor that we --</p> <p>9 Q. For your salary.</p> <p>10 I understand they wanted you to pay back for the</p> <p>11 computers.</p> <p>12 Did anyone similarly say, "We want you to pay back</p> <p>13 for salary that was paid to you or amounts that had been</p> <p>14 paid to you"?</p> <p>15 A. I don't believe so.</p> <p>16 Q. No one ever suggested that. Okay.</p> <p>17 (Deposition Exhibit 6 marked</p> <p>18 for identification.)</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. I'm handing you Exhibit 6.</p> <p>21 MS. PRESCOTT: And, David, it's his -- it's his</p> <p>22 Employment Agreement and whatever it is. We'll find</p> <p>23 out. Letter of Agreement from 3-18-2010.</p> <p>24 MR. MCGORISK: Do you want to look at this, David?</p> <p>25 MR. DEROMEDI: No. I've seen it enough.</p> |
| <p style="text-align: right;">Page 215</p> <p>1 definitely not.</p> <p>2 Q. Okay.</p> <p>3 A. That I know of, certainly, and I don't think -- and I've</p> <p>4 been around long enough that I would hear about it or</p> <p>5 learn about it.</p> <p>6 Q. Did you ever discuss the fair market value of your</p> <p>7 services with Patrick Miller or Bob Cahill?</p> <p>8 A. The services rendered to Hospice of Michigan?</p> <p>9 Q. Like an hourly rate of pay that was fair market value,</p> <p>10 did you ever discuss that with them?</p> <p>11 A. If I could add to that, I could -- the answer is no.</p> <p>12 Q. Okay.</p> <p>13 A. May I add some comment on that, or you're not</p> <p>14 interested?</p> <p>15 Q. If you -- if you need to answer it and answer the</p> <p>16 question.</p> <p>17 A. Yes. I -- I have never --</p> <p>18 Q. Okay.</p> <p>19 A. I -- what I told you is no.</p> <p>20 I don't believe I've ever talked salary with any of</p> <p>21 them ever. It was a flat \$39,000 or whatever the number</p> <p>22 was. It came direct deposit. I paid no heed to it, and</p> <p>23 I didn't have a conversation about my salary.</p> <p>24 Q. Just like --</p> <p>25 A. I didn't ask for more or -- I didn't ask for cost of --</p>                                                                                                                 | <p style="text-align: right;">Page 217</p> <p>1 MR. MCGORISK: Probably read it enough.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. Okay. Who did you negotiate this agreement with?</p> <p>4 I know Nancy Malovey signed it, but who did you</p> <p>5 negotiate Exhibit 6 with?</p> <p>6 MR. MCGORISK: Again, so let me just object to the</p> <p>7 extent your question is misleading to the extent that</p> <p>8 you're presuming that there was a negotiation on his</p> <p>9 part.</p> <p>10 MS. PRESCOTT: Okay. Well, let's back up.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Did you sign Exhibit 6?</p> <p>13 Is that your signature?</p> <p>14 A. That is my signature.</p> <p>15 Q. There's a little bit of a weird scratch out of "2000"</p> <p>16 versus "2010."</p> <p>17 Do you know if this was signed in 2010?</p> <p>18 A. Where -- where is that? Where is that scratch out?</p> <p>19 Q. Under your signature. Under your signature.</p> <p>20 A. Well, that would just be me being sloppy, I presume.</p> <p>21 Q. Okay.</p> <p>22 A. I presume that, yeah. Yeah.</p> <p>23 Q. Do you know if the lady Nancy Malovey signed this?</p> <p>24 Did you have any negotiation with her or anyone</p> <p>25 else about Exhibit 6?</p>                            |

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| <p style="text-align: right;">Page 218</p> <p>1 A. I don't recall.</p> <p>2 No, I don't think I did.</p> <p>3 My inclination is that I didn't.</p> <p>4 THE REPORTER: I'm sorry. "My inclination is</p> <p>5 that --"?</p> <p>6 A. Pardon?</p> <p>7 THE REPORTER: "My inclination is that I --"?</p> <p>8 A. I did not.</p> <p>9 THE REPORTER: Thank you.</p> <p>10 BY MS. PRESCOTT:</p> <p>11 Q. Okay. Do you know how it came to be that there was an</p> <p>12 Exhibit 6, like whose idea was it to enter this?</p> <p>13 A. I'm guessing now.</p> <p>14 Do you want to get my guess or --</p> <p>15 Q. Okay.</p> <p>16 A. My guess is, this is when it changed from a salary to</p> <p>17 a -- W-2 to a 1099.</p> <p>18 That's what I guess.</p> <p>19 Q. Okay. And do you understand -- did you understand that</p> <p>20 you would now be paid hourly and not a salary going</p> <p>21 forward, or did you understand that you would get a</p> <p>22 salary like just --</p> <p>23 A. To the best of my memory and inclination and</p> <p>24 understanding, they came to me and said whatever reasons</p> <p>25 they said. They want me to be a contract worker instead</p>                                                                                                                                                                                                                 | <p style="text-align: right;">Page 220</p> <p>1 A. Pardon?</p> <p>2 Q. Were going to continue, and you said "consistent"?</p> <p>3 A. Yeah. Right. Yeah.</p> <p>4 Q. Okay. And that continued up until the changes that</p> <p>5 happened in 2022; right?</p> <p>6 A. Uh-huh.</p> <p>7 THE REPORTER: I'm sorry. "Yes"?</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. Yeses and nos, if you can.</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. Thank you.</p> <p>13 Q. Yes, I know.</p> <p>14 Okay. So, what you would be doing would be the</p> <p>15 same. How you would be paid would now go from a W-2 to</p> <p>16 a 1099. That's as far as you basically understood the</p> <p>17 change?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. And then you started to send billing to Hospice</p> <p>20 of Michigan after that; right?</p> <p>21 A. Correct.</p> <p>22 Q. And do you ever, until -- do you ever change Exhibit 6?</p> <p>23 Do you ever go into a negotiation with Hospice of</p> <p>24 Michigan or enter into any other later contract than</p> <p>25 Exhibit 6?</p>                                                                                                                                              |
| <p style="text-align: right;">Page 219</p> <p>1 of a employee because of my -- and I presume -- I</p> <p>2 presume now -- I presumed then that -- I believe I</p> <p>3 presumed then that nothing was changing except the</p> <p>4 manner I was being paid as a 1099 fit better to them.</p> <p>5 I wouldn't swear to the fact that I read this</p> <p>6 agreement. Guilty as charged that I might have signed</p> <p>7 stuff that I, you know, didn't read, but could be that I</p> <p>8 read it, could be that I didn't. And as I understood</p> <p>9 this document when I saw it -- digging up documents, I</p> <p>10 saw this. I said, "Oh, that's probably one." That's</p> <p>11 what I just told you -- that's what I assumed. I can't</p> <p>12 tell you that's for certain.</p> <p>13 So, I thought we were just changing, and they, you</p> <p>14 know, were just -- this was filler stuff that they --</p> <p>15 that they did.</p> <p>16 Q. Okay.</p> <p>17 A. I don't know that I ever looked at it and found any</p> <p>18 difference in hours or anything like that.</p> <p>19 Q. All right. So, let me break that down just a little</p> <p>20 bit.</p> <p>21 Nothing was changing -- you already testified</p> <p>22 earlier you weren't -- your -- your essential job</p> <p>23 functions or roles were --</p> <p>24 A. Consistent.</p> <p>25 Q. -- were going to continue?</p> | <p style="text-align: right;">Page 221</p> <p>1 A. Correct.</p> <p>2 Q. Am I -- you're -- I'm correct you never did that?</p> <p>3 A. To the best of my recall.</p> <p>4 Q. Okay. You don't -- I guess I just want to understand.</p> <p>5 Like I don't have -- you know, do you have</p> <p>6 something that is later than Exhibit 6 that is some</p> <p>7 other agreement that you ever struck with them?</p> <p>8 A. I think not.</p> <p>9 Q. Okay.</p> <p>10 A. But I couldn't -- I might be able to check with what's</p> <p>11 in this book, but no. I'm -- I'm assuming not, but I</p> <p>12 couldn't be certain.</p> <p>13 Q. Did you ever get paid any cash payments from JH- --</p> <p>14 excuse me -- from HOM?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you know why their internal accounting records</p> <p>17 would show cash payments?</p> <p>18 You don't have -- that doesn't ring a bell?</p> <p>19 MR. MCGORISK: Objection. Foundation.</p> <p>20 A. I -- no, I don't know.</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. And not only does cash payments not ring a bell, but I</p> <p>23 think you earlier said you really weren't paid by check</p> <p>24 either. It was just --</p> <p>25 A. Direct deposit.</p> |



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| <p style="text-align: right;">Page 222</p> <p>1 Q. Into a bank; right?</p> <p>2 A. Right.</p> <p>3 Q. And was it your understanding that if you were sick or</p> <p>4 if you were on vacation or if there was one month you</p> <p>5 worked more or one month you would worked less, it</p> <p>6 wouldn't -- your pay wouldn't fluctuate with your actual</p> <p>7 hours worked? Your pay was sort of like a salary?</p> <p>8 A. It was constant.</p> <p>9 And I believe it was Patrick that asked me to, you</p> <p>10 know, put a -- put a -- you know, a monthly statement</p> <p>11 together. So -- and it just gave me broad sense, you</p> <p>12 know, give us some statement.</p> <p>13 So, I wrote a statement, which sort of described</p> <p>14 what I do, and I sent it to him and said -- he said,</p> <p>15 "Oh, that's great. Really good."</p> <p>16 And then I -- I told him, "Is it okay if I send the</p> <p>17 exact same thing every month?"</p> <p>18 And he said, "That's fine."</p> <p>19 Q. That was a phone call you guys had?</p> <p>20 A. Pardon?</p> <p>21 Q. Do you think that was a phone call you had?</p> <p>22 A. E-mails -- I -- I remember -- I think really we just</p> <p>23 discussed it over a phone call probably.</p> <p>24 Q. In other words, he wasn't expecting that every month</p> <p>25 would be identical, but you could send the same --</p> | <p style="text-align: right;">Page 224</p> <p>1 Q. Okay. Do you know when?</p> <p>2 A. I would -- I would understand -- I would think that this</p> <p>3 is what we talked about earlier, the ghost period. You</p> <p>4 know, I wouldn't call it that, but when -- when I was</p> <p>5 not getting an answer about anything --</p> <p>6 Q. Did Bob, in 2018 time frame, tell -- tell you that he</p> <p>7 loved the relationship with JHCN and -- I'm gathering it</p> <p>8 means he would do anything to strengthen the</p> <p>9 relationship and call him first --</p> <p>10 A. Yes.</p> <p>11 Q. -- and they would do what they could?</p> <p>12 A. Yes.</p> <p>13 Q. So, he was -- he didn't beat around the bush that --</p> <p>14 about, you know, wanting to make sure that you were</p> <p>15 happy with him; right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay.</p> <p>18 "We will never leave HOM because the care</p> <p>19 you provide is the best."</p> <p>20 Is that something that you communicated -- like do</p> <p>21 you know whether this is something -- like do these</p> <p>22 notes sound like something you told him, or do you know</p> <p>23 anything?</p> <p>24 A. I don't -- see, it doesn't say Bob Cahill on this.</p> <p>25 I would think that I would have sent -- if I sent</p> |
| <p style="text-align: right;">Page 223</p> <p>1 A. Yeah.</p> <p>2 Q. -- form?</p> <p>3 MR. MCGORISK: Well, I object to foundation.</p> <p>4 What Patrick might be expecting, I don't think --</p> <p>5 MS. PRESCOTT: Fair.</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. What he communicated to you, was it -- whether it was --</p> <p>8 A. I came away with the sense that it was fine to send the</p> <p>9 exact same thing every month, and I wouldn't have to</p> <p>10 track or -- or record. And I think -- yeah.</p> <p>11 (Deposition Exhibit 7 marked</p> <p>12 for identification.)</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Okay. I'm handing you what I've marked as 7, and it's</p> <p>15 Bates 3804.</p> <p>16 MS. PRESCOTT: Some of these I don't have all four</p> <p>17 copies of.</p> <p>18 Sorry, David.</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. So, when you've had a chance to look at it, I'm just</p> <p>21 questioning, did you write this?</p> <p>22 A. It sounds like my language, is what I comment.</p> <p>23 Do I recall writing it?</p> <p>24 It seemed -- I don't recall writing it, but it</p> <p>25 seems like this would be something I would write.</p>                                                                                                                                                                                                           | <p style="text-align: right;">Page 225</p> <p>1 this, I would send it to Patrick, is my -- because I</p> <p>2 referred to "Bob." "Bob told me I --"</p> <p>3 Q. Not like "You --"</p> <p>4 A. I would say, "You told me."</p> <p>5 Q. "-- told me."</p> <p>6 I see.</p> <p>7 A. And I -- the only two people that I could imagine I was</p> <p>8 talking to at the time was -- on these matters was</p> <p>9 Patrick or -- or -- or Bob. And I think we ruled out</p> <p>10 that it's Bob. Bob --</p> <p>11 Q. When we go to "Expenses," it says:</p> <p>12 "We are being nickled and dimed to death."</p> <p>13 Does that sound like -- I mean, did you have that</p> <p>14 feeling that -- that Hospice of Michigan was nickeling</p> <p>15 and diming you?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. This is clearly -- there's no date on it or anything,</p> <p>19 but this is clearly post where they tried to bill us for</p> <p>20 things, for -- for data and stuff like that. And there</p> <p>21 were other things that indicated that, you know,</p> <p>22 they're -- they're just trying to, you know, like</p> <p>23 diminish the -- the relationship.</p> <p>24 Q. With regard to yesterday's --</p> <p>25 A. Now, what -- could I ask a question of you?</p>                            |



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| <p style="text-align: right;">Page 226</p> <p>1 Q. Yeah.</p> <p>2 MR. MCGORISK: Well --</p> <p>3 A. Yeah.</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Do you need a break, or --</p> <p>6 A. Do you want to hear what I want to ask before I ask it?</p> <p>7 MR. MCGORISK: We'll take a break in a second.</p> <p>8 Just why don't you finish up what topics you have</p> <p>9 here.</p> <p>10 MS. PRESCOTT: Okay.</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Yesterday we --</p> <p>13 A. I -- I was going to ask a question about --</p> <p>14 MR. MCGORISK: Is it a question about one of her</p> <p>15 questions --</p> <p>16 A. No, no, no.</p> <p>17 MR. MCGORISK: -- so you can clarify?</p> <p>18 A. No.</p> <p>19 MR. MCGORISK: Okay. No. I --</p> <p>20 A. No. I want to know where this came from.</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. I don't know where it came from. That's why I asked</p> <p>23 you.</p> <p>24 A. Okay. So, I --</p> <p>25 Q. Sometimes I know, and I know when I --</p>                                                                                                                                                                                                                                                                                | <p style="text-align: right;">Page 228</p> <p>1 that Hospice of Michigan was saying, "Hey, you might</p> <p>2 want to check in with JHCN"?</p> <p>3 A. Well, I'm aware of conversations internally at Jewish</p> <p>4 Hospice that covered a lot of this ground that I'm</p> <p>5 reading about, but I don't know it as a document. But I</p> <p>6 was involved in -- people filled me in that there were</p> <p>7 conversations to this nature.</p> <p>8 Q. I guess what I want to know is, in -- in 20- -- let's</p> <p>9 call it 2017 to 2021, would you have known that people</p> <p>10 who marked that they were Jewish were getting sent by</p> <p>11 Hospice of Michigan to JHCN if they opted to? If they</p> <p>12 opted to no, that's fine, but --</p> <p>13 A. Yes.</p> <p>14 Q. -- did you know that that process was ongoing?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you know if Hospice of Michigan did this with</p> <p>17 anyone else? In other words, "Hey, go find --"</p> <p>18 A. Did I know?</p> <p>19 Q. "-- this imam. Go -- they can hook you up with the</p> <p>20 Muslim community"?</p> <p>21 Do you know if that was happening?</p> <p>22 A. Well, so what I said to you earlier, I don't know of an</p> <p>23 organization that replicates what we do.</p> <p>24 Q. Okay. Okay. Exhibits 12 and 13 and 14 in the</p> <p>25 Rosenfield deposition -- so, Rosenfield 13, 14, 15 are</p> |
| <p style="text-align: right;">Page 227</p> <p>1 A. Okay. So --</p> <p>2 Q. -- before I hand it to you --</p> <p>3 A. -- I've answered you that, assuming someone knows that</p> <p>4 it's me, but it -- it's --</p> <p>5 Q. Someone may know. They may know. I don't know.</p> <p>6 A. All right.</p> <p>7 Q. Okay. Let's look at yesterday. We -- do you know what</p> <p>8 this document is? It was marked as Rosenfield 10.</p> <p>9 A. By who?</p> <p>10 Q. So, it was marked in her exhibit -- in her deposition as</p> <p>11 an exhibit. So, the question for you is, do you</p> <p>12 recognize that document?</p> <p>13 (Discussion held off the record.)</p> <p>14 A. I don't recognize the document, but if you want me to</p> <p>15 share a sense that --</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. That's okay. That's okay.</p> <p>18 A. Okay. Good.</p> <p>19 Q. There was a part of the document in which a script was</p> <p>20 worked out that people who come to Hospice of Michigan</p> <p>21 mark that they're Jewish but haven't been affiliated</p> <p>22 with JHCN yet, they would be offered a connection to</p> <p>23 JHCN by the HOM staff; okay?</p> <p>24 That's part of Rosenfield 10.</p> <p>25 Was that something that was familiar to you that --</p> | <p style="text-align: right;">Page 229</p> <p>1 some personnel file-type policies.</p> <p>2 The question I have for you is whether you signed</p> <p>3 policies like these; if you know?</p> <p>4 A. I --</p> <p>5 Q. After 2010, did you sign any policies like these ones</p> <p>6 that Natalie signed?</p> <p>7 A. You asked me if I know.</p> <p>8 I don't.</p> <p>9 Q. Okay. That's fair enough.</p> <p>10 MS. PRESCOTT: Do you want to take that break? I</p> <p>11 can whittle my notes and give you a minute.</p> <p>12 MR. MCGORISK: How much longer have you got?</p> <p>13 MS. PRESCOTT: I don't know.</p> <p>14 MR. MCGORISK: Do you want a break, or do you want</p> <p>15 to keep going?</p> <p>16 A. I could use a restroom break just for a couple minutes.</p> <p>17 MR. MCGORISK: Okay. Why don't we take five, then.</p> <p>18 A. Thank you.</p> <p>19 (Short recess at 3:42 p.m.)</p> <p>20 * * *</p> <p>21 (Record resumed at 3:56 p.m.)</p> <p>22 BY MS. PRESCOTT:</p> <p>23 Q. Sometimes I think I know, but I need to just review and</p> <p>24 I make sure I pinned it down.</p> <p>25 I know you've said Hospice of Michigan stopped</p>                                                                                                                                                                                                                                                   |

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| <p style="text-align: right;">Page 230</p> <p>1 paying you directly and you don't know why.</p> <p>2 Does that mean for a time they stopped, or they</p> <p>3 just stopped and you -- and they -- they never started</p> <p>4 up again?</p> <p>5 A. Again, please?</p> <p>6 Q. Yeah.</p> <p>7 Do you get checks every month from Hospice of</p> <p>8 Michigan --</p> <p>9 A. Currently?</p> <p>10 Q. -- now?</p> <p>11 A. No.</p> <p>12 Q. Okay. The last time you did was a catch-up payment that</p> <p>13 paid you basically through 2022; right?</p> <p>14 They stopped in 2022 and then they paid you a big</p> <p>15 check to catch you up?</p> <p>16 A. They paid JHCN a big check.</p> <p>17 Q. Okay. When was the last time you got a check? Spring</p> <p>18 of '22?</p> <p>19 A. Assumption that it was at the beginning of 2022.</p> <p>20 I don't have a date.</p> <p>21 As I mentioned earlier, I wasn't following the --</p> <p>22 those checks, and it stopped somewhere. And I -- maybe</p> <p>23 I looked it up on a record or somewhere, but I just</p> <p>24 accepted that they're, you know, doing things by -- by</p> <p>25 fiat, so to speak.</p> | <p style="text-align: right;">Page 232</p> <p>1 enrichments and the -- being the point person who could</p> <p>2 always be on call and -- and fix issues with quality?</p> <p>3 A. Through '22, for sure, I did. I continued as if nothing</p> <p>4 happened.</p> <p>5 Q. And then what about today? Do you give the best care</p> <p>6 you can and be that point person and the quality person</p> <p>7 and available when calls are made?</p> <p>8 A. Today, I would -- I'm not doing all those services. I'm</p> <p>9 taking care of a number of Hospice of Michigan patients.</p> <p>10 I take care of patients that ask for my services, or I</p> <p>11 have a familiar relationship with them or service them</p> <p>12 on -- and their family earlier.</p> <p>13 (Discussion held off the record.)</p> <p>14 BY MS. PRESCOTT:</p> <p>15 Q. All right. Hospice of Michigan records just to, you</p> <p>16 know, move through this, have you ever seen their pay</p> <p>17 records for you? Payroll records for you?</p> <p>18 A. I think I've seen it in the deposition somewhere</p> <p>19 possibly or some other documents that --</p> <p>20 Q. Some -- somewhere along the way?</p> <p>21 A. Yeah. I might have seen them. I don't know.</p> <p>22 Q. Their records show that they cut a check for you for</p> <p>23 \$36,000 to catch up the 2022 payments that did stop for</p> <p>24 a while waiting for an agreement to be signed. But do</p> <p>25 you know?</p> |
| <p style="text-align: right;">Page 231</p> <p>1 THE REPORTER: I'm sorry. "-- doing things by --"?</p> <p>2 MR. MCGORISK: "-- fiat."</p> <p>3 A. Fiat.</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Unilaterally?</p> <p>6 A. Pardon?</p> <p>7 Q. Does that mean unilaterally?</p> <p>8 A. Yeah. That's what it --</p> <p>9 Q. Okay. So, did you stop doing work to care for patients</p> <p>10 at HOM? Did you stop doing care coordination,</p> <p>11 education, pastoral care and enrichment --</p> <p>12 A. No, I --</p> <p>13 Q. -- after they stopped paying?</p> <p>14 A. -- did it straight through 2022.</p> <p>15 Q. After 2022, they stopped paying you. We just</p> <p>16 established that. So, therefore --</p> <p>17 MR. MCGORISK: No. He said they stopped paying him</p> <p>18 at the beginning of 2022.</p> <p>19 A. Right. The beginning of '22, but she never asked a</p> <p>20 year, whatever.</p> <p>21 MS. PRESCOTT: I -- I misspoke. It's -- that's</p> <p>22 fair.</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. So, when they stopped paying you, did you stop giving</p> <p>25 pastoral care to Hospice of Michigan patients and the</p>                     | <p style="text-align: right;">Page 233</p> <p>1 A. They were made to me?</p> <p>2 Q. Well, direct-deposited or wrote a check or somehow paid</p> <p>3 \$36,000 --</p> <p>4 A. They -- they wrote -- I believe they wrote a check to</p> <p>5 JHCN for \$36,000.</p> <p>6 Q. Okay. Their records also show that you had a -- you</p> <p>7 were paid more in 2022 than really any prior year.</p> <p>8 Do you dispute that?</p> <p>9 MR. MCGORISK: Let me just object because he said</p> <p>10 he didn't get the payment. So, when you say "he" --</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Okay. I mean you personally.</p> <p>13 Did you personally get the payments that are</p> <p>14 reflected --</p> <p>15 A. Could you show me what you're -- you're asking me about?</p> <p>16 Where was the payment -- in what year? Where?</p> <p>17 Q. This is a record of the -- of HOM's payment. I've</p> <p>18 handed you 3622, and it shows payments to you by year,</p> <p>19 including 2010 to 2022, where the 2022 line item is</p> <p>20 bigger than any prior year.</p> <p>21 A. \$525,000?</p> <p>22 MR. MCGORISK: No, that's not the total --</p> <p>23 A. That's the total of all the years.</p> <p>24 MR. MCGORISK: Yeah.</p> <p>25 A. So -- oh, I get it.</p>                                                                                                                                                                                                          |

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| <p style="text-align: right;">Page 234</p> <p>1 MR. MCGORISK: 2022 is \$42,000.</p> <p>2 MS. PRESCOTT: I think this is a JHCN document.</p> <p>3 MR. MCGORISK: You're saying you didn't get the</p> <p>4 check. It went to JHCN --</p> <p>5 (Discussion held off the record.)</p> <p>6 A. I -- I didn't get paid for 2022. This may be something</p> <p>7 that they paid out.</p> <p>8 (Discussion held off the record.)</p> <p>9 MR. MCGORISK: Just testify. Don't worry. Don't</p> <p>10 guess. Don't speculate.</p> <p>11 A. Okay. Okay.</p> <p>12 I have no idea why there was more payment.</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Okay. Do you dispute that there was more payment or you</p> <p>15 just don't know?</p> <p>16 A. I don't know.</p> <p>17 I said to you that I didn't get paid for 2022. A</p> <p>18 check went to JHCN.</p> <p>19 Q. Okay.</p> <p>20 A. Which I never got.</p> <p>21 Q. And even though a check went to JHCN, throughout 2022,</p> <p>22 you continued to -- as you just testified, you continued</p> <p>23 to be the point person and take all the care you --</p> <p>24 A. Correct.</p> <p>25 Q. Okay.</p>                                                                                                                                                                                                                                                                         | <p style="text-align: right;">Page 236</p> <p>1 a new deal where checks will go to JHCN, and we'll have</p> <p>2 a new business agreement and whatnot?</p> <p>3 A. Are you asking about conversations that I had?</p> <p>4 Q. I guess. Maybe -- or maybe you learned of them through</p> <p>5 Natalie or something.</p> <p>6 But I guess -- so, there -- there's the disrespect</p> <p>7 meeting. It's in person. They pass you an invoice.</p> <p>8 Is it familiar to you that they follow that up not</p> <p>9 too long with a bunch of other contracts they want you</p> <p>10 to sign? A new set of agreements with -- with HOM?</p> <p>11 A. Me?</p> <p>12 I'm not recalling.</p> <p>13 Q. JHCN --</p> <p>14 A. If you have it.</p> <p>15 Q. Yeah. Okay. I do.</p> <p>16 A. In what -- in what period are you asking me what --</p> <p>17 Q. Well, that's what I was trying to ask --</p> <p>18 A. What year?</p> <p>19 Q. -- was -- so, after the ghosting, the ghosting ends with</p> <p>20 the unpleasant meeting about the IT?</p> <p>21 A. Uh-huh.</p> <p>22 MR. MCGORISK: "Yes"?</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Have I got that right?</p> <p>25 MR. MCGORISK: "Yes"?</p> |
| <p style="text-align: right;">Page 235</p> <p>1 A. I attended all the IDTs and --</p> <p>2 Q. Another quick point of clarification.</p> <p>3 We talked about the timing of your thinking about</p> <p>4 starting to retire, maybe having a handoff period with</p> <p>5 Rabbi Krakoff being at the end of 2020, beginning of</p> <p>6 2021. You talked to Patrick, and then a period of</p> <p>7 ghosting begins; all right?</p> <p>8 Just to refresh where -- where I want to start on</p> <p>9 the question.</p> <p>10 What's the next thing that happens after -- like</p> <p>11 what change -- does -- does he finally break cover and</p> <p>12 come talk to you after the ghosting period? What's the</p> <p>13 next time you do connect with Patrick Miller?</p> <p>14 A. Never.</p> <p>15 Q. Okay. So, let me ask it a little bit different way.</p> <p>16 You asked him for the Krakoff contract and then we</p> <p>17 also know that, at some point, in July, there's a</p> <p>18 sit-down where people are handing you invoices and</p> <p>19 you're feeling disrespected; right?</p> <p>20 A. Yeah. Correct.</p> <p>21 Q. Was there -- was that kind of the first you heard from</p> <p>22 anyone at HOM management after the ghosting period?</p> <p>23 A. Pretty sure.</p> <p>24 Q. Okay. How long after they start to hand you invoices</p> <p>25 for computing and IT services do they say they now want</p> | <p style="text-align: right;">Page 237</p> <p>1 A. Yes.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. Okay. And around that time, Natalie is let go but you</p> <p>4 don't ask a lot of questions. Somewhere in here, you're</p> <p>5 hearing about whistleblowers.</p> <p>6 How long after those -- that sort of nucleus of</p> <p>7 events is it until Hospice of Michigan also comes and</p> <p>8 now wants you to change the relationship with JHCN?</p> <p>9 A. Do you have a document that might remind me --</p> <p>10 Q. Yeah. I can --</p> <p>11 A. -- of what we're talking about?</p> <p>12 (Discussion held off the record.)</p> <p>13 MS. PRESCOTT: All right. I'm going to give you</p> <p>14 the clip in just a second here.</p> <p>15 Here's your clip.</p> <p>16 MR. MCGORISK: Okay. Thank you. Yeah.</p> <p>17 A. Okay.</p> <p>18 MR. MCGORISK: Are you marking this?</p> <p>19 MS. PRESCOTT: Yeah.</p> <p>20 MR. MCGORISK: Okay. She's going to give you the</p> <p>21 original.</p> <p>22 A. Oh, okay.</p> <p>23 (Deposition Exhibit 8 marked</p> <p>24 for identification.)</p> <p>25 BY MS. PRESCOTT:</p>                                                                       |

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| <p style="text-align: right;">Page 238</p> <p>1 Q. All right. I'm giving you Exhibit 8.</p> <p>2 A. Did I give you -- you gave me a document that I handed</p> <p>3 back to you.</p> <p>4 Is that for me to retain?</p> <p>5 MS. SMITH-MORRIS: It's a payment document. It</p> <p>6 wasn't an exhibit.</p> <p>7 A. Okay. Fine.</p> <p>8 This was signed by Joey Krakoff.</p> <p>9 I don't think I've seen it.</p> <p>10 But --</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. Well, did you sign a Confidentiality Agreement?</p> <p>13 A. Did I?</p> <p>14 Q. Yeah. In 2022.</p> <p>15 A. I don't think so.</p> <p>16 (Discussion held off the record.)</p> <p>17 (Deposition Exhibit 9 marked</p> <p>18 for identification.)</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. I'll hand you Exhibit 9.</p> <p>21 A. Isn't this a document we already discussed, or is it</p> <p>22 coming up again?</p> <p>23 (Discussion held off the record.)</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. This document, unlike the prior one that we have already</p>                                                                                                                                                                                                                                                                                                                   | <p style="text-align: right;">Page 240</p> <p>1 he wanted a contract that talked about 80 hours a month,</p> <p>2 which was similar to your invoices, instead of the 2010</p> <p>3 signed document that was for 40 hours a month?</p> <p>4 A. Yeah.</p> <p>5 Q. Do you recall any discussion about that?</p> <p>6 A. No.</p> <p>7 Q. Did anyone ever --</p> <p>8 A. 2021 -- 2022 --</p> <p>9 Q. Did anyone ever tell you they thought Exhibit 6, which</p> <p>10 was the 40-hour version, the one you signed --</p> <p>11 A. In --</p> <p>12 Q. -- in 2010 --</p> <p>13 A. Yeah.</p> <p>14 Q. -- that there was something wrong with it or erroneous</p> <p>15 or typo or inappropriate?</p> <p>16 A. I'm not recalling.</p> <p>17 Q. Okay.</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. But suffice it to say with regard to the later</p> <p>20 version, Exhibit 9, you don't remember getting that --</p> <p>21 MR. MCGORISK: I don't have 9.</p> <p>22 MR. HERSCHFUS: Do you have an extra 9?</p> <p>23 A. I don't believe so.</p> <p>24 Yeah, I --</p> <p>25 MR. MCGORISK: Oh, he's got it. Okay. Yeah.</p> |
| <p style="text-align: right;">Page 239</p> <p>1 marked and talked about --</p> <p>2 (Discussion held off the record.)</p> <p>3 A. So, this --</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Again, my records internal to HOM show that</p> <p>6 Lee Ann Myers sent this to Patrick in September of '21</p> <p>7 and -- and asked him to have you sign Exhibit 9.</p> <p>8 Did you ever see Exhibit 9?</p> <p>9 Let me -- and just to like crib sheet and move this</p> <p>10 along a little bit faster, the difference to the prior</p> <p>11 one is in the compensation and fees provision. This</p> <p>12 Exhibit 9 refers to 80 hours a month to be billed</p> <p>13 whereas the 2010 version was up to 40 hours a month.</p> <p>14 A. So -- and what date was this sent? Do you know?</p> <p>15 I can't find it.</p> <p>16 Q. That's the question I want to understand is, if you ever</p> <p>17 got Exhibit 9 from Patrick Miller.</p> <p>18 A. I think not, but --</p> <p>19 Q. Did Patrick Miller ever talk to you about 40 hours</p> <p>20 versus 80 hours and there was an issue of you were</p> <p>21 billing more than what was contracted for?</p> <p>22 A. I don't recall that conversation.</p> <p>23 And that would be in '21?</p> <p>24 Q. Let's -- let's focus on '21 or '22.</p> <p>25 Did you ever remember discussing with Patrick that</p> | <p style="text-align: right;">Page 241</p> <p>1 MS. PRESCOTT: I thought I gave it.</p> <p>2 MR. MCGORISK: We've got it.</p> <p>3 BY MS. PRESCOTT:</p> <p>4 Q. Don't remember?</p> <p>5 A. By the way, 7, 8, were -- are these document the exact</p> <p>6 same thing, just changed hours? Do you know? I -- I</p> <p>7 didn't --</p> <p>8 Q. I don't know. I think they're basically identical.</p> <p>9 A. They look very similar.</p> <p>10 Q. Except one isn't signed and one has more hours than the</p> <p>11 other. So --</p> <p>12 MR. MCGORISK: This one says "80."</p> <p>13 A. Uh-huh. Okay.</p> <p>14 MR. MCGORISK: This one says "40"; okay?</p> <p>15 A. Okay.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. All right. So --</p> <p>18 A. Who -- do we know who provided this unsigned document,</p> <p>19 may I ask?</p> <p>20 MR. MCGORISK: No, just --</p> <p>21 A. Okay. Okay.</p> <p>22 MR. MCGORISK: -- just answer questions.</p> <p>23 A. Okay. Okay.</p> <p>24 The next -- next time I do seven and a half hours,</p> <p>25 I'll be better at this.</p>                                  |

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| <p style="text-align: right;">Page 242</p> <p>1 BY MS. PRESCOTT:</p> <p>2 Q. I don't know if I'm going to mark this, but you guys can</p> <p>3 take a look at it if you like.</p> <p>4 In October of 2021, you write from your Gmail to</p> <p>5 Patrick and copy Joey Krakoff about a meeting and just</p> <p>6 say your available to meet October 28th.</p> <p>7 The remainder of this document doesn't go to you,</p> <p>8 it looks like, but Patrick is apparently saying to Bob</p> <p>9 that -- I guess, you know, he'll have to testify to</p> <p>10 this -- what he intended the meeting to be.</p> <p>11 But the question for you is, do you remember, in</p> <p>12 October of 2021, meeting with Patrick Miller regarding</p> <p>13 the -- your contract and the signing of the IT cost</p> <p>14 agreement?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 MR. MCGORISK: She didn't know whether she was</p> <p>18 going to mark this.</p> <p>19 MS. PRESCOTT: Yeah. I'm not going to if it's not</p> <p>20 something that he recognizes.</p> <p>21 MR. MCGORISK: Okay. Just give it back to them.</p> <p>22 MR. HERSCHFUS: Can I see it?</p> <p>23 MR. MCGORISK: Oh, yeah. Sorry.</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. Did you ever receive a termination letter from Hospice</p> | <p style="text-align: right;">Page 244</p> <p>1 they wanted some kind of agreement of this kind with</p> <p>2 you?</p> <p>3 A. I don't recall that.</p> <p>4 Q. Would it have been after the -- in any case, no one ever</p> <p>5 approached you about changing the relationship between</p> <p>6 yourself and Hospice of Michigan before the unpleasant</p> <p>7 meeting in July of 2021; correct?</p> <p>8 A. Before that?</p> <p>9 Q. So, we know that anything they wanted to change, the</p> <p>10 first you heard of it was after July 15th, 2021; right?</p> <p>11 MR. MCGORISK: Well, let me just object. I don't</p> <p>12 know if that misstates his earlier testimony. He -- I</p> <p>13 think the only thing that he testified to about the</p> <p>14 meeting was the IT agreement that they wanted him to</p> <p>15 start paying.</p> <p>16 MS. PRESCOTT: I'm not sure -- can you clarify your</p> <p>17 objection? I'm not sure what you're objecting.</p> <p>18 MR. MCGORISK: Well, your -- the question is</p> <p>19 misleading because it incorporates testimony that he</p> <p>20 didn't testify to.</p> <p>21 You're saying that the relationship changed, and I</p> <p>22 don't think that that was his testimony. He had the</p> <p>23 meeting with them and -- so, I'm just -- I'm just</p> <p>24 objecting to the form of the question because I think</p> <p>25 it's misleading.</p> |
| <p style="text-align: right;">Page 243</p> <p>1 of Michigan?</p> <p>2 A. No.</p> <p>3 (Discussion held off the record.)</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Did you -- did I ask when you stopped being the CEO of</p> <p>6 JHCN?</p> <p>7 A. That was at the beginning of 2022.</p> <p>8 So, I don't know if you asked me or not, but --</p> <p>9 Q. Beginning of 2022.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Okay. Did you have a position on whether or not Joey</p> <p>12 should sign the payback agreement to pay back the IT and</p> <p>13 computing?</p> <p>14 Did you talk about that with him?</p> <p>15 A. No.</p> <p>16 (Deposition Exhibit 10 marked</p> <p>17 for identification.)</p> <p>18 BY MS. PRESCOTT:</p> <p>19 Q. I'm handing you 10.</p> <p>20 All right. Exhibit 10 is an unsigned version of a</p> <p>21 "Confidentiality Agreement" that was proposed to be</p> <p>22 effective March 1st, 2022.</p> <p>23 Do you know if you ever signed it?</p> <p>24 A. No, I don't know.</p> <p>25 Q. Do you know when people started talking to you about</p>                                                                                                                                                                                                                      | <p style="text-align: right;">Page 245</p> <p>1 BY MS. PRESCOTT:</p> <p>2 Q. Did the form of your relationship with JHCN or yourself</p> <p>3 change vis-à-vis Hospice of Michigan after they started</p> <p>4 coming at you with "pay us back" and firing Natalie and</p> <p>5 whatnot?</p> <p>6 A. The form of the relationship?</p> <p>7 Q. Yeah.</p> <p>8 A. Explain what --</p> <p>9 Q. Like they stopped paying you, for example.</p> <p>10 A. So, yeah.</p> <p>11 Q. Yeah.</p> <p>12 A. So, I think it changed.</p> <p>13 Q. Okay. Okay. I thought so, too.</p> <p>14 A. Yeah. Okay.</p> <p>15 Q. But they didn't want to stop paying you only. They</p> <p>16 wanted you to be paid through JHCN and that they would</p> <p>17 pay it, and you and -- and Rabbi Krakoff would sign a</p> <p>18 bunch of different agreements?</p> <p>19 A. I can't speak to that because I don't know anything</p> <p>20 about it.</p> <p>21 Q. Okay. You don't know about that.</p> <p>22 Okay. So --</p> <p>23 A. I don't know about a confidential agreement.</p> <p>24 MR. MCGORISK: Confidentiality.</p> <p>25 A. Confidentiality Agreement.</p>                                                                                                                                                                                                                                                                |

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| <p style="text-align: right;">Page 246</p> <p>1 (Deposition Exhibit 11 marked<br/>2 for identification.)<br/>3 BY MS. PRESCOTT:<br/>4 Q. Okay. All I can do is ask.<br/>5 I'm going to hand you 11.<br/>6 A. Or -- or that 80 and 40, I -- I said earlier, I -- I<br/>7 don't think we had a conversation.<br/>8 Q. Okay. That's -- all I can do is ask.<br/>9 A. Nothing that stands out, that's for sure, in my memory.<br/>10 Q. Okay. So, I've handed you 11.<br/>11 And I'm going to keep -- let's make sure I've got<br/>12 the same thing here.<br/>13 Now the question is with regard to 11. This would<br/>14 be a "Spiritual Care Agreement" between HOM, you and<br/>15 Mr. -- or Rabbi Krakoff.<br/>16 A. This is very interesting.<br/>17 (Discussion held off the record.)<br/>18 BY MS. PRESCOTT:<br/>19 Q. So, the question is with regard to Exhibit 11, if you<br/>20 ever remember anyone presenting this -- 11 to you?<br/>21 A. I don't remember anyone presenting this.<br/>22 Q. Does that mean you think it didn't happen or it could<br/>23 have been? You're just not sure?<br/>24 A. I'm pretty sure it didn't happen. I'm looking at the<br/>25 agreement and, you know --</p> | <p style="text-align: right;">Page 248</p> <p>1 My question for you is, did -- does this refresh<br/>2 your memory that you received an amended and updated<br/>3 Spiritual Care Agreement and IT Services and -- and<br/>4 other items that we've marked here now?<br/>5 A. I'm not recognizing this.<br/>6 Q. They give you a deadline, January 30th, 2022.<br/>7 Do you remember that? They were imposing deadlines<br/>8 and --<br/>9 A. I don't remember.<br/>10 Q. Okay.<br/>11 A. So, is there any record -- this came from Jewish<br/>12 Hospice?<br/>13 Q. Yep. You-all produced this to us.<br/>14 (Discussion held off the record.)<br/>15 A. This is interesting.<br/>16 BY MS. PRESCOTT:<br/>17 Q. Okay. Suffice it to say, it sounds like, you -- you did<br/>18 not execute any new agreement with Hospice of Michigan?<br/>19 A. To the best of my memory.<br/>20 Q. Do you recall that -- I mean, I can get documents -- I<br/>21 can -- or you may recall -- it's fine either way -- that<br/>22 in this same time frame of 2022 is when Hospice of<br/>23 Michigan started asking Natalie to give detailed time<br/>24 records, kind of like the template that we saw.<br/>25 Do you recall that that was going on in 2022?</p> |
| <p style="text-align: right;">Page 247</p> <p>1 Q. Okay.<br/>2 A. It's a lengthy agreement, and I don't think I've seen<br/>3 this agreement before.<br/>4 Q. Okay. At the end, there's some time sheet templates<br/>5 that are blank, and the only question I have about that<br/>6 last couple pages, just to be sure you never filled out<br/>7 any template like you see in -- in this exhibit?<br/>8 A. (Shakes head.)<br/>9 Q. You did not?<br/>10 A. These time sheets? No.<br/>11 (Deposition Exhibit 12 marked<br/>12 for identification.)<br/>13 BY MS. PRESCOTT:<br/>14 Q. I'm handing you Exhibit 12.<br/>15 MR. MCGORISK: Two.<br/>16 Oh, here.<br/>17 BY MS. PRESCOTT:<br/>18 Q. Okay. These are e-mails from this place Health Law<br/>19 Partners that was the lawyer for Hospice of Michigan.<br/>20 These people, Monique and Adrienne, who are on<br/>21 these e-mails, seem to be Health Law Partners staff, and<br/>22 they're sending an IT Service Agreement, a Settlement<br/>23 Agreement, a Spiritual Care Agreement in January of<br/>24 2022, and then following up and saying, "You said you<br/>25 would sign. Can you please do so?"</p>                                   | <p style="text-align: right;">Page 249</p> <p>1 A. For Natalie?<br/>2 Q. That Hospice of Michigan was asking you and Rabbi<br/>3 Krakoff to document your time.<br/>4 Were they -- were they asking you to do that in<br/>5 early 2022 that you can recall?<br/>6 A. I don't recall.<br/>7 Q. Okay.<br/>8 A. My assumption is that they didn't, but I can't recall.<br/>9 THE REPORTER: -- "is that they did" or "did not"?<br/>10 MR. MCGORISK: "My assumption," he said.<br/>11 A. Yeah. My assumption is that I didn't sign it, but I<br/>12 cannot talk about accuracy in my --<br/>13 MR. MCGORISK: That wasn't the question.<br/>14 A. -- memory.<br/>15 MR. MCGORISK: She was --<br/>16 A. Okay.<br/>17 BY MS. PRESCOTT:<br/>18 Q. Yeah. Just to clarify.<br/>19 We know you -- I don't think you signed. You don't<br/>20 think you signed. I don't have evidence that you've<br/>21 signed. I -- I just wanted to make sure I didn't --<br/>22 A. Yeah. I'm seeing a bunch of documents that were<br/>23 addressed to me, must have come to my e-mail. I don't<br/>24 know that anyone presented it to me.<br/>25 I'm trying to reconstruct what was going on in</p>                                                                      |



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| <p style="text-align: right;">Page 250</p> <p>1 20- -- this is the beginning of '22?</p> <p>2 Q. This is late in 2022.</p> <p>3 A. Late in '22.</p> <p>4 It's -- I'm finding it strange. I -- I'd have to</p> <p>5 check with my assistant to -- you know, for my own</p> <p>6 purposes.</p> <p>7 Q. Okay.</p> <p>8 A. May I ask a question?</p> <p>9 (Discussion held off the record.)</p> <p>10 MR. MCGORISK: Just don't worry about it. Just</p> <p>11 answer the questions; okay?</p> <p>12 A. Okay. Okay. Fine.</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Do you know -- Natalie Rosenfield Exhibit 4 was marked</p> <p>15 yesterday as Rosenfield 4.</p> <p>16 Did you prepare that document; if you know?</p> <p>17 A. I did not prepare this document.</p> <p>18 Q. Okay. Were you giving information to Natalie from time</p> <p>19 to time so that she could track your hours?</p> <p>20 A. Yes.</p> <p>21 Q. And --</p> <p>22 A. I was giving information -- as I -- I think I've stated</p> <p>23 earlier that I was always passing on to Natalie where I</p> <p>24 went to and who I -- who I was visiting and so on and so</p> <p>25 forth.</p>                                                                                                                                  | <p style="text-align: right;">Page 252</p> <p>1 Does it -- is it familiar to you that she was</p> <p>2 breaking it down by rabbi at some point?</p> <p>3 A. I --</p> <p>4 Q. That -- that Natalie was breaking down by rabbi hours</p> <p>5 for HOM?</p> <p>6 A. I made that assumption.</p> <p>7 Q. Okay. So, even though you weren't getting her e-mails</p> <p>8 to HOM necessarily, you were reporting hours to her,</p> <p>9 understanding she would convey it to HOM?</p> <p>10 A. As well as IDT.</p> <p>11 Q. Okay. So, when she makes -- do you have any different</p> <p>12 record, for example, than Exhibit -- Natalie</p> <p>13 Rosenfield's Exhibit 5 that's in front of you?</p> <p>14 A. No.</p> <p>15 Q. Okay. You have no reason to question those hours, do</p> <p>16 you?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Do those hours seem unusual to you or wrong to</p> <p>19 you?</p> <p>20 A. No.</p> <p>21 They might be underreported for me.</p> <p>22 Q. Okay. But suffice it to say, for August of 2022, you</p> <p>23 don't have any different data or memory here today?</p> <p>24 A. Correct.</p> <p>25 Q. Okay.</p> |
| <p style="text-align: right;">Page 251</p> <p>1 Q. Okay. But now you were also giving -- were you also</p> <p>2 giving her more detail on what that amounted to in</p> <p>3 specific hours?</p> <p>4 A. (Shakes head.)</p> <p>5 Q. No, it was always --</p> <p>6 THE REPORTER: I'm sorry. Is that --</p> <p>7 A. No.</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. Okay. So, are you saying that all along, you told her</p> <p>10 both what you were doing and the amount of time it was</p> <p>11 taking you all the way back to 2010?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. And you didn't -- you don't know of any place</p> <p>14 that she wrote that down, although some of the</p> <p>15 information about what you were doing certainly would</p> <p>16 have translated in the IDTs; is that correct?</p> <p>17 A. Sure.</p> <p>18 Q. Okay. Also, we had --</p> <p>19 A. I -- my presumption is that everything I was telling</p> <p>20 Natalie was being recorded as well at IDT -- IDT.</p> <p>21 Q. Okay. The -- yesterday, also at her deposition, there</p> <p>22 was an e-mail marked as Rosenfield 5.</p> <p>23 At some point, Natalie is reporting back to Hospice</p> <p>24 of Michigan, by rabbi, what everyone is doing,</p> <p>25 apparently, what their hour accounting is.</p> | <p style="text-align: right;">Page 253</p> <p>1 (Discussion held off the record.)</p> <p>2 (Deposition Exhibit 13 marked</p> <p>3 for identification.)</p> <p>4 MS. PRESCOTT: All right. I just want to make sure</p> <p>5 I've got the right thing.</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. I'm handing you Exhibit 13, sir.</p> <p>8 MR. MCGORISK: Thank you.</p> <p>9 MS. PRESCOTT: I've only got one of this one.</p> <p>10 BY MS. PRESCOTT:</p> <p>11 Q. All right. 12- -- if you look at the bottom right-hand</p> <p>12 corner, page 12091 -- so, the little page number is on</p> <p>13 the right. You get to page 12091, we have a signed</p> <p>14 agreement with Hospice of Michigan.</p> <p>15 A. 12- --</p> <p>16 MR. MCGORISK: Yes. Right here.</p> <p>17 A. Yeah. Okay.</p> <p>18 Is this just that -- or this is the agreement?</p> <p>19 MR. MCGORISK: The agreement.</p> <p>20 A. Is that the one that changes --</p> <p>21 MR. MCGORISK: This is the 80-hour --</p> <p>22 A. Your question?</p> <p>23 BY MS. PRESCOTT:</p> <p>24 Q. Sure.</p> <p>25 Just on -- if you go to page -- now that you've</p>                         |



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| <p style="text-align: right;">Page 254</p> <p>1 oriented yourself, on page 12091, is that your<br/>2 signature?<br/>3 A. Yes.<br/>4 Q. Do you then recognize that, in February of 2022, you<br/>5 signed an updated Spiritual Care Agreement for the<br/>6 80 hours per month at \$43.07 an hour?<br/>7 That's on page 12090.<br/>8 A. Well, I signed that agreement.<br/>9 Q. Okay. And what was your understanding, when you signed,<br/>10 about why you were doing this updated agreement?<br/>11 A. Probably --<br/>12 MR. MCGORISK: Don't guess.<br/>13 A. -- I didn't have any assumption. They asked me to sign<br/>14 it, and I signed it.<br/>15 BY MS. PRESCOTT:<br/>16 Q. Well, you didn't sign so many of the others. That's why<br/>17 I ask.<br/>18 Like do you -- I mean, we have these others, and<br/>19 there are not signed versions of the other ones.<br/>20 Do you know --<br/>21 A. Which other ones --<br/>22 Q. -- why --<br/>23 A. -- are we talking about?<br/>24 Q. -- the other exhibits that I've -- we've walked through<br/>25 today that you didn't recognize and didn't sign.</p>                                                                                             | <p style="text-align: right;">Page 256</p> <p>1 MS. PRESCOTT: Yeah. It's the same.<br/>2 BY MS. PRESCOTT:<br/>3 Q. Okay. You've got it now?<br/>4 A. Okay.<br/>5 MR. MCGORISK: That's -- okay.<br/>6 MS. PRESCOTT: You guys look on yours, and I'll<br/>7 look on mine.<br/>8 MR. MCGORISK: Okay. There you go.<br/>9 A. And your question is?<br/>10 BY MS. PRESCOTT:<br/>11 Q. Yeah.<br/>12 Does this refresh your memory that you were getting<br/>13 letters telling you they were going to terminate your<br/>14 services agreement and pursue all avenues against JHCN<br/>15 if you didn't sign?<br/>16 A. I don't recognize this.<br/>17 Q. Okay. Do you recognize two pages further, the invoice<br/>18 dated July 15th, 2021 as the thing that was handed<br/>19 across the table to you and you were asked to pay<br/>20 57 grand for stuff that was seven years old?<br/>21 A. With your prompting, I -- I do remember seeing this.<br/>22 Q. Okay. There's also a Settlement Agreement where,<br/>23 instead of having to pay \$57,774, the next page is a<br/>24 Settlement Agreement, which reduces the amount to<br/>25 \$36,000.</p> |
| <p style="text-align: right;">Page 255</p> <p>1 Do you know why this was different and that you<br/>2 signed this document?<br/>3 A. I'm going to -- I don't know why.<br/>4 Q. Okay. Also, in this document is a letter to you dated<br/>5 January 7th, 2022 from Health Law Partners, if you look<br/>6 at 1986. It's right after your signature page that we<br/>7 just looked at.<br/>8 A. Let's look at that.<br/>9 Q. So, in bold underline, this lady Adrienne Dresevic,<br/>10 D-r-e-s-e-v-i-v -- scratch that -- D-r-e-s-e-v-i-c -- is<br/>11 telling you:<br/>12 "If I don't hear back from you by January<br/>13 30th, 2022, HOM will pursue all avenues for full<br/>14 recovery of past due amounts."<br/>15 They wanted a -- and they also said they would send<br/>16 a formal notice of termination for SCA services.<br/>17 Do you see that on 1987 -- page 1987?<br/>18 A. On mine?<br/>19 MR. MCGORISK: Okay. You've got the --<br/>20 MS. PRESCOTT: This will help move it along.<br/>21 BY MS. PRESCOTT:<br/>22 Q. See that bold, "We're going to send a termination<br/>23 letter --"<br/>24 MR. MCGORISK: This is -- this is the letter that's<br/>25 from -- it's right here, but --</p> | <p style="text-align: right;">Page 257</p> <p>1 A. Uh-huh.<br/>2 Q. So, the invoice that they originally present you was for<br/>3 \$57,000-some, and the next page of this document, we<br/>4 see, hey, we'll settle with you, and you can only pay<br/>5 \$36,000.<br/>6 Do you know how that came to be, that there was a<br/>7 settlement proposed?<br/>8 A. No.<br/>9 Q. Did you have a lawyer working with you on these threats<br/>10 you were receiving and --<br/>11 A. No.<br/>12 Q. -- settlement proposals?<br/>13 No? Okay.<br/>14 So, you did sign the Settlement Agreement three<br/>15 pages later; correct?<br/>16 A. It sure looks like my signature.<br/>17 Q. Okay.<br/>18 A. Yeah.<br/>19 What's the date on this?<br/>20 MR. MCGORISK: The effective date is when --<br/>21 A. I -- I see.<br/>22 MR. MCGORISK: -- January of '22.<br/>23 BY MS. PRESCOTT:<br/>24 Q. So, Cahill has a signature entry of 8-12-21.<br/>25 You don't sign it until 1-28-22.</p>                                                                                                                                                                   |

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| <p style="text-align: right;">Page 258</p> <p>1 Does this refresh your memory that you did agree to</p> <p>2 pay on behalf of JHCN for the old computer equipment?</p> <p>3 A. I recognize my signature. That's my signature, and my</p> <p>4 printed name, as well. That's me.</p> <p>5 Q. Okay. What was the reason -- is the reason you waited</p> <p>6 from August of '21, when Cahill signed, until January of</p> <p>7 '22, is the reason that you waited that long because you</p> <p>8 didn't want to sign it, and you didn't think you should</p> <p>9 need to, and they kept pushing and threatening you?</p> <p>10 A. Uh-huh.</p> <p>11 THE REPORTER: I'm sorry. Is that --</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. Yeses and nos.</p> <p>14 A. Correct.</p> <p>15 Q. And is that what you mean -- earlier you talked about</p> <p>16 behaving by fiat or unilaterally.</p> <p>17 Is --</p> <p>18 A. Yeah.</p> <p>19 Q. Did you feel you were being pushed around here?</p> <p>20 A. Yes.</p> <p>21 I mean, amongst other feelings.</p> <p>22 Q. Is one of those feelings a sense of ingratitude?</p> <p>23 Feeling like HOM didn't sort of value or hadn't --</p> <p>24 wasn't being a good partner for the things you had given</p> <p>25 them?</p>                                                                                                                                                                                                                               | <p style="text-align: right;">Page 260</p> <p>1 then they start doing things that they never explained</p> <p>2 to you all the way up until today that made you angry?</p> <p>3 A. That is a good characterization of what was going on</p> <p>4 during that period of time.</p> <p>5 Q. At the same time, despite your good relationship with</p> <p>6 them and tight working relationship for decades, you</p> <p>7 never asked a single question about why are you now</p> <p>8 acting these various ways, that you can recall; is that</p> <p>9 fair?</p> <p>10 A. I -- do you know what?</p> <p>11 No. I -- I remember being in meetings with the</p> <p>12 staff, with Patrick, and -- and having reasonably</p> <p>13 contentious when -- I mean originally moderately</p> <p>14 contention, but -- contentious by my standards, the --</p> <p>15 that, you know, he wasn't playing fair football. He</p> <p>16 was -- he wasn't staying inside the lines of our</p> <p>17 relationship that was always built on trust and</p> <p>18 confidence in each other and -- and high-end</p> <p>19 performance, both on their side and our side.</p> <p>20 Q. Okay.</p> <p>21 A. And that was all being ignored as if we had no</p> <p>22 relationship, and it became very cold and -- and, in my</p> <p>23 mind, they were acting very irresponsibly to our</p> <p>24 relationship.</p> <p>25 Q. And -- and if I'm --</p>                                                                                                                                                   |
| <p style="text-align: right;">Page 259</p> <p>1 A. It was -- I'll -- rephrase it.</p> <p>2 Q. You said "among other feelings."</p> <p>3 A. Right. So --</p> <p>4 Q. You felt pushed around. Was ingratitude one of the</p> <p>5 feelings going on?</p> <p>6 A. There were many feelings going on. And, essentially, I</p> <p>7 didn't think they were dealing honorably with myself and</p> <p>8 the organization by acting unilaterally, not explaining</p> <p>9 themselves and -- and -- and I felt I was being toyed</p> <p>10 with -- with -- by delaying and ghosting, and I didn't</p> <p>11 appreciate their behavior at all.</p> <p>12 And I feel that -- the same way today.</p> <p>13 Q. Did you try to get answers from them other ways?</p> <p>14 I know you said you -- we've said three times you</p> <p>15 didn't really ask questions about why they were behaving</p> <p>16 like this.</p> <p>17 Did you try to get answers from their lawyers about</p> <p>18 why they were behaving that way?</p> <p>19 A. I don't remember any conversation or texting back and</p> <p>20 forth or communication from their lawyers. I don't,</p> <p>21 because I ignored all their -- their letters and stuff.</p> <p>22 Q. Okay. So, just to summarize and close out this area,</p> <p>23 you've got a good relationship with JHCN and -- between</p> <p>24 JHCN and yourself personally and HOM up until you asked</p> <p>25 for the Krakoff contract. They start ghosting you, and</p> | <p style="text-align: right;">Page 261</p> <p>1 A. A proven relationship, of course.</p> <p>2 Q. If I'm understanding -- I want to distinguish between</p> <p>3 Patrick -- I'm going to continue the analogy -- fumbling</p> <p>4 with some of his efforts to make you feel better, make</p> <p>5 you feel less disrespected, maybe never satisfied you</p> <p>6 but did he try to explain, even if it wasn't satisfying</p> <p>7 explanations, about why these things were happening?</p> <p>8 A. There was one discussion, that I remember visually right</p> <p>9 now thinking about it, that was held in our offices in</p> <p>10 the conference room, and I think it was -- I felt that</p> <p>11 he was blatantly being arrogant and -- and dismissive of</p> <p>12 all of us. And in -- his answers were vague and -- and</p> <p>13 like they were -- it wasn't important for him.</p> <p>14 Q. And -- and what was the subject?</p> <p>15 Was it, why are you beha- -- why are you</p> <p>16 changing -- wanting these changes?</p> <p>17 A. Well, you're not responding to my calls on why you're</p> <p>18 asking for changes in the relationship, payment on --</p> <p>19 on, you know, the -- the -- the IT, you know, services</p> <p>20 that were offered to us with no cost, and then backing</p> <p>21 up. I didn't think that was, from a business</p> <p>22 perspective, you know, good behavior. I mean, you</p> <p>23 offered and gave it to us, and then you say, "pay us</p> <p>24 back."</p> <p>25 I didn't see there was any basis for that. And</p> |

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| <p style="text-align: right;">Page 262</p> <p>1 that was, you know -- and based on our relationship</p> <p>2 until then, until this point where they called me in, I</p> <p>3 thought we had a very, very trusting and good</p> <p>4 relationship where there was this -- mutually beneficial</p> <p>5 for both of us, you know.</p> <p>6 Q. Were -- with regard to the vagueness of his responses</p> <p>7 and sort of the arrogance of not feeling like he owed a</p> <p>8 response or however that translated to you, did he say,</p> <p>9 you know, "I can't talk to you because of legal</p> <p>10 concerns," or did he try to convey a context for why?</p> <p>11 A. He was cold and arrogant, is how I would class it.</p> <p>12 Q. Okay. But without -- did he mention of legal problems</p> <p>13 or legal reasons?</p> <p>14 A. You know, if someone told me that he did mention</p> <p>15 something about legal -- legal, that might be true, but,</p> <p>16 I mean, it -- it might have happened, but he did not</p> <p>17 make any impression on me that he was bound by -- by</p> <p>18 some legal thing.</p> <p>19 Q. So, are you saying it's possible?</p> <p>20 A. Remember until -- until much later -- I couldn't give a</p> <p>21 date -- I was left in the dark.</p> <p>22 Q. Okay. Okay.</p> <p>23 A. And --</p> <p>24 Q. Throughout 2021, you were left in the dark?</p> <p>25 A. For sure.</p> | <p style="text-align: right;">Page 264</p> <p>1 Q. Yeah.</p> <p>2 A. Dr. Forman.</p> <p>3 Q. And was he paid on the payroll of JHCN at the time?</p> <p>4 A. Yes. And one of his roles was to create studies and --</p> <p>5 and write grants for them, et cetera.</p> <p>6 Q. Who -- do you know who he went to and they said "okay"?</p> <p>7 A. No.</p> <p>8 Q. Like who at HOM?</p> <p>9 A. No, I don't know.</p> <p>10 Q. Don't know that. Okay.</p> <p>11 (Deposition Exhibit 14 marked</p> <p>12 for identification.)</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. I'm going to give you Exhibit 14.</p> <p>15 Okay. So, back when we talked about Exhibit 6,</p> <p>16 that was when you signed your new deal --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- with Hospice of Michigan. It was 2010 --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- in March, and you start to bill them.</p> <p>21 And in this document, Patrick Miller, at the time,</p> <p>22 is Senior Vice President of Service and also Chief</p> <p>23 Operating Officer, according to the document. We'll</p> <p>24 have to find out that -- about that later. But it</p> <p>25 sounds like you're sending statements, and he's saying,</p>                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 263</p> <p>1 Q. Okay. Fair enough.</p> <p>2 Now, you also -- one thing I haven't asked you is,</p> <p>3 how did you-all get the computers and the software and</p> <p>4 all that like upkeep?</p> <p>5 And I think you just suggested that they offered.</p> <p>6 I mean, they were willing to -- to do that, and that</p> <p>7 came from HOM.</p> <p>8 Do you know?</p> <p>9 A. As I remember, we had a doctor on our staff a while</p> <p>10 back. He's since passed away and we -- was never</p> <p>11 replaced, but that was developing programs together with</p> <p>12 HOM, and it -- it had to do with a lot of surveying and</p> <p>13 studies that he was very interested in.</p> <p>14 And it meant recording via computer stuff. And it</p> <p>15 was going to be a joint project. I believe, you know,</p> <p>16 this is a broad narrative that -- as I recall it and was</p> <p>17 probably back in 2015 to '17 or something like that.</p> <p>18 And he needed computers, and he asked Hospice of</p> <p>19 Michigan, in this process, you know, could they supply</p> <p>20 computers. And they complied.</p> <p>21 It wasn't -- it wasn't I personally that asked for</p> <p>22 it. But it was like a need to work on a project.</p> <p>23 Q. Okay. So, that person -- do you know who that person,</p> <p>24 what their name was?</p> <p>25 A. The doctor?</p>     | <p style="text-align: right;">Page 265</p> <p>1 "You can't bill us for more than 40 hours per month --"</p> <p>2 A. Uh-huh.</p> <p>3 Q. "-- according to the contract."</p> <p>4 And there are other documents where a similar</p> <p>5 message is sent to you.</p> <p>6 Do you know how it came to be that Hospice of</p> <p>7 Michigan went from saying, "Don't send us an invoice for</p> <p>8 80 hours. We're not paying you for 80. We agreed to</p> <p>9 40, and that's what we're paying you. Don't do this.</p> <p>10 You can't do that"?</p> <p>11 A. If I -- just seeing all these documents, it seems that</p> <p>12 they originally had 40 hours, and then they changed it</p> <p>13 to 80 again arbitrarily.</p> <p>14 Q. Yeah, 12 years later.</p> <p>15 A. Yeah.</p> <p>16 Q. But what I'm asking about is, in 2010, they start paying</p> <p>17 you for 80 hours a month. So, but -- but in e-mail,</p> <p>18 they're saying, "We won't. The contract says we won't.</p> <p>19 We'll only pay for 40."</p> <p>20 Do you know how it came to be -- like what changed</p> <p>21 where Patrick stopped telling you, "Don't send us the</p> <p>22 80-hour invoices, only send us 40-hour invoices"?</p> <p>23 A. Like many other things Patrick did, I believe it was</p> <p>24 arbitrarily. I don't think we had the discussion. And</p> <p>25 the -- what I wanted to be continued was the flat rate</p> |

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| <p style="text-align: right;">Page 266</p> <p>1 that we started in 2002, and I graciously was saying, "I</p> <p>2 don't need raises. I don't need an increase. Just --</p> <p>3 just pay me what you did, and I'll continue doing all</p> <p>4 the services as demarcated in -- in past history and --</p> <p>5 and documents that I -- we did in 2002."</p> <p>6 So, none of this meant anything to me, other than</p> <p>7 that I would get the constant -- and, as I said to you,</p> <p>8 I looked at it as future money that I'll need in</p> <p>9 retirement. And --</p> <p>10 Q. So, suffice it to say, you don't remember any</p> <p>11 conversations or dialog with Miller or anyone else that</p> <p>12 suggested they were changing their tune from what we see</p> <p>13 in Exhibit 14?</p> <p>14 A. None of it meant anything to me.</p> <p>15 Q. Fair. Do you recall any conversations about it?</p> <p>16 A. The answer is no.</p> <p>17 Q. Okay.</p> <p>18 (Deposition Exhibit 15 marked</p> <p>19 for identification.)</p> <p>20 (Discussion held off the record.)</p> <p>21 BY MS. PRESCOTT:</p> <p>22 Q. I'm handing you 15.</p> <p>23 MR. MCGORISK: Thank you.</p> <p>24 A. Okay.</p> <p>25 BY MS. PRESCOTT:</p> | <p style="text-align: right;">Page 268</p> <p>1 Q. "Thank you for not"; right?</p> <p>2 A. -- I -- I recognize this as -- as very routine.</p> <p>3 Q. Okay. We don't have invoices for every month, and I</p> <p>4 could lay them out here, right, and we could go, "Oh,</p> <p>5 no. August of 2013, we don't have it."</p> <p>6 Do you know whether there is an invoice for every</p> <p>7 month?</p> <p>8 A. I'm going to presume that I was paid based on those</p> <p>9 invoices.</p> <p>10 Q. Yeah. That doesn't really match up with when they did</p> <p>11 pay you. Sometimes the invoice got there after they</p> <p>12 paid, and sometimes we don't have an invoice. So,</p> <p>13 that's why I'm asking.</p> <p>14 A. I would imagine that it always went out, and maybe the</p> <p>15 timing had to do with some of our holidays or stuff, you</p> <p>16 know.</p> <p>17 Q. Okay.</p> <p>18 A. It's assumption again.</p> <p>19 Q. The best you can estimate is, you always did it; is that</p> <p>20 fair?</p> <p>21 A. To my memory and knowledge, this was a very routine</p> <p>22 thing that got sent out, I thought usually at the same</p> <p>23 time, but --</p> <p>24 Q. Did Patrick ever use any language with you about</p> <p>25 justifying Rabbi Krakoff's potential contract in terms</p>             |
| <p style="text-align: right;">Page 267</p> <p>1 Q. All right. So, earlier -- these -- this is one example,</p> <p>2 but each month, you sent the same invoice except for</p> <p>3 changing the dates from 2010 to 2021, as what we see in</p> <p>4 Exhibit 15; correct?</p> <p>5 A. I assume so, yes.</p> <p>6 Q. Well, does it look like what -- the invoice?</p> <p>7 A. Yeah, it does.</p> <p>8 Q. Okay. And the reason that it was always the same, that</p> <p>9 was something you do recall Patrick okaying and saying</p> <p>10 that was all right with him?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay.</p> <p>13 A. The reason I say "assume so," that -- this was -- the</p> <p>14 regular thing never changed. I'm assuming that, that</p> <p>15 this was a standard, you know, template that we used</p> <p>16 just by rote.</p> <p>17 Q. And insofar as you can tell, there's nothing you see</p> <p>18 that's different from what you do recall invoicing and</p> <p>19 billing?</p> <p>20 And I'm not going to get out a zillion more</p> <p>21 examples, but --</p> <p>22 A. Thank you.</p> <p>23 Q. -- it looks like --</p> <p>24 A. Thank you for not.</p> <p>25 But, yeah --</p>                              | <p style="text-align: right;">Page 269</p> <p>1 of whether or not there was enough work being generated</p> <p>2 by JHCN patients coming to Hospice of Michigan?</p> <p>3 A. There was never a conversation to my knowledge and</p> <p>4 memory.</p> <p>5 And I went to him asking for him to do it as a</p> <p>6 benefit to our relationship, that if I was going through</p> <p>7 a transition and succession, I wanted it to be as neat</p> <p>8 as possible for Hospice of Michigan; that they feel that</p> <p>9 this is a continuance and -- and it's -- you know, as</p> <p>10 long as it's -- it's functioning and doing the service</p> <p>11 for the patients, we want to be there and presume they</p> <p>12 want to be there.</p> <p>13 And -- and I thought it was, you know, a -- a</p> <p>14 responsible plan so that the transition did not have a</p> <p>15 negative effect for the relationship, for our patients</p> <p>16 and for both organizations.</p> <p>17 (Discussion held off the record.)</p> <p>18 (Deposition Exhibit 16 marked</p> <p>19 for identification.)</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. Exhibit 16, I'm handing you right now.</p> <p>22 Easy first question.</p> <p>23 Is the document -- is this Jewish Hospice</p> <p>24 Chaplaincy Network letterhead?</p> <p>25 A. Correct.</p> |

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| <p style="text-align: right;">Page 270</p> <p>1 Q. Okay. And do you know -- at the bottom, it says "Other<br/>2 hospices served during April."<br/>3 Do you know whether this was given in April of 2021<br/>4 or can -- do you know --<br/>5 A. Hold on. Let me look at this.<br/>6 Q. -- when this was made?<br/>7 A. Let me see if I -- okay.<br/>8 I have some indication that this was --<br/>9 Q. Well, it says anticipated summer of 2022 Rachel would<br/>10 come?<br/>11 A. Right.<br/>12 So -- yeah. So, this was probably somewhere in<br/>13 mid-2022, is my guess.<br/>14 Q. Okay.<br/>15 A. Yeah. This is after --<br/>16 MR. MCGORISK: Don't guess.<br/>17 BY MS. PRESCOTT:<br/>18 Q. All right. Let's ask some --<br/>19 A. No, I want to --<br/>20 THE REPORTER: I'm sorry?<br/>21 MR. MCGORISK: -- was also 2021, apparently.<br/>22 A. No, here is when --<br/>23 THE REPORTER: I'm sorry. Are we off? Sorry.<br/>24 MR. MCGORISK: All right. Off the record for a<br/>25 second.</p>                                                                                                                                                                                                                                            | <p style="text-align: right;">Page 272</p> <p>1 assigned spiritual care advisor for a patient at Hospice<br/>2 of Michigan but not paid by Hospice of Michigan --<br/>3 A. Right.<br/>4 Q. -- or JHCN?<br/>5 A. Correct.<br/>6 Q. Okay. Then, at the bottom, there's some information<br/>7 about weekly census and it says:<br/>8 "Average Hospice of Michigan patients served<br/>9 in April: 35 to 38 weekly."<br/>10 Is your understanding that, okay, your own internal<br/>11 records would show we've got 35 to 38 people this month<br/>12 that we have some spiritual care role for?<br/>13 A. Uh-huh. Uh-huh.<br/>14 Q. Yeses and nos.<br/>15 A. Yes. Yes.<br/>16 Q. And by "we," that could include you or Mr. Krakoff or<br/>17 Ms. Kaluzny or Rabbi Rabin or --<br/>18 A. Yeah.<br/>19 Q. But it also could be any of the auxiliaries, too?<br/>20 A. Right.<br/>21 Q. Okay. And is --<br/>22 A. It looks -- looks to me like a roster of people<br/>23 that were commonly serving JHCN patients.<br/>24 Q. The next line says:<br/>25 "Average JHCN Hospice Census: --"</p>            |
| <p style="text-align: right;">Page 271</p> <p>1 (Discussion held off the record.)<br/>2 BY MS. PRESCOTT:<br/>3 Q. Do you know what the date is?<br/>4 A. Pardon?<br/>5 Q. Do you know what the date of the document is?<br/>6 A. I do not know the date.<br/>7 Q. Okay. Because we can read the rabbinic intern's entries<br/>8 and make some guess, but you don't -- you couldn't<br/>9 testify; is that fair?<br/>10 A. Yeah. That's correct.<br/>11 Q. Okay. Some questions I just want to understand about --<br/>12 okay. "Auxiliary --" "Auxiliary Rabbis."<br/>13 A. Uh-huh.<br/>14 Q. Are those the rabbis we talked about earlier that we<br/>15 called like pulpit rabbis in another part of the<br/>16 deposition?<br/>17 A. This is a listing of a number of rabbis that like I --<br/>18 you see here retired.<br/>19 So, it -- it consists of a lot of public rabbis.<br/>20 It -- it consists of some other chaplains that are<br/>21 working in other organizations like Jewish Senior Life,<br/>22 and these are the people that we frequently used because<br/>23 they were very responsive and had constituents that --<br/>24 that we served. And -- yeah.<br/>25 Q. When you talk about using them, you mean they were the</p> | <p style="text-align: right;">Page 273</p> <p>1 So, we know there's a total census document that<br/>2 shows some people are just being followed and some<br/>3 people are in palliative.<br/>4 A. Uh-huh.<br/>5 Q. This number of hospice census of 90 to 95, was that<br/>6 about -- was that pretty -- pretty steady in '21 and<br/>7 '22?<br/>8 MR. MCGORISK: Object to form. Vague.<br/>9 A. The -- I mean, we're talking COVID, post-COVID. It was<br/>10 very lopsided during that period. I mean, it soared.<br/>11 It surged or whatever you want to say, and then it went<br/>12 down, and it had to do with avail- -- if they let us in<br/>13 the building, they didn't, people called us, they<br/>14 didn't.<br/>15 That was a very complicated time. So, to jump at<br/>16 and say this was average, this was a snapshot.<br/>17 BY MS. PRESCOTT:<br/>18 Q. Okay.<br/>19 A. That's all I could say.<br/>20 Q. Okay.<br/>21 MR. MCGORISK: Are you doing okay?<br/>22 A. I'm doing great.<br/>23 MR. MCGORISK: Okay.<br/>24 A. Having fun.<br/>25 (Discussion held off the record.)</p> |

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| <p style="text-align: right;">Page 274</p> <p>1 BY MS. PRESCOTT:</p> <p>2 Q. Do you remember any discussion or meetings with anyone</p> <p>3 with -- let's just narrow it to Patrick or Patrick and</p> <p>4 Bob -- related to the -- the Krakoff contract or your</p> <p>5 relationship as in the ghosting period; right?</p> <p>6 We talked about that period, from sometime in early</p> <p>7 2021 through July of 2021.</p> <p>8 Do you remember any meetings during that time?</p> <p>9 A. Again, you want to know any meetings with Patrick or --</p> <p>10 Q. Bob.</p> <p>11 A. -- Bob?</p> <p>12 Q. Here, like, for example, we see these -- "Quick touch</p> <p>13 base with Rabbi re contract," May of 2021.</p> <p>14 That's Bates 12391.</p> <p>15 Do you remember any contents to any such meeting,</p> <p>16 if it happened?</p> <p>17 A. So, there were a lot of calls from -- from me, texts,</p> <p>18 e-mails to -- to Patrick during that period.</p> <p>19 I mentioned a meeting that probably happened in</p> <p>20 20-- -- no. That was probably '22.</p> <p>21 Your -- your time frame you're looking for?</p> <p>22 Q. Well, I just handed you a meeting notice from May of</p> <p>23 '21.</p> <p>24 Do you remember whether you had a meeting and, if</p> <p>25 so, whether it was discussed -- or what was discussed</p> | <p style="text-align: right;">Page 276</p> <p>1 Yeah. I think -- yeah. That's where the hospice</p> <p>2 offices are.</p> <p>3 That sort of makes sense that we had a meeting</p> <p>4 there.</p> <p>5 I mean, this is all about pressing him to -- to</p> <p>6 move on this thing.</p> <p>7 BY MS. PRESCOTT:</p> <p>8 Q. Any content you do remember from any meetings in June or</p> <p>9 July at all with Patrick Miller -- June or July of 2021?</p> <p>10 A. Your question is that --</p> <p>11 Q. Do you have any memory of any --</p> <p>12 A. The content of the meetings?</p> <p>13 Q. Yes, in July -- June or July of 2021.</p> <p>14 A. The one that I mentioned in the office was --</p> <p>15 Q. That's the one with the invoice?</p> <p>16 A. No.</p> <p>17 Q. Oh, okay.</p> <p>18 A. That was where Patrick met with us to assuage our</p> <p>19 concerns, and it didn't assuage our concerns. And he</p> <p>20 was stalling, sort of, and, you know, vague.</p> <p>21 Q. This is the arrogant, vague meeting?</p> <p>22 A. Yeah. Yeah. Yeah. Right.</p> <p>23 Q. Okay. And have you told me everything you can remember</p> <p>24 of the details of that meeting?</p> <p>25 A. I don't remember specifically.</p>                                                             |
| <p style="text-align: right;">Page 275</p> <p>1 about "contract"?</p> <p>2 A. So, as I was mentioning, I -- I try to -- I tried to</p> <p>3 reach out numerous times, and there were calls. And I</p> <p>4 explicitly -- we don't -- but I can't date them exactly.</p> <p>5 But it was probably in the year 2021.</p> <p>6 Q. Were you just kind of getting put off like just vague --</p> <p>7 A. Being ghosted, yeah.</p> <p>8 Q. -- and --</p> <p>9 A. And -- you know, and once in a while, we talk. I</p> <p>10 reached him. He felt compelled to -- to get back to me,</p> <p>11 and we talked, and they -- they didn't add up to very</p> <p>12 much.</p> <p>13 Q. Okay. So, there was no content that you do recall of</p> <p>14 any substance?</p> <p>15 A. No.</p> <p>16 Q. Okay. Same question -- and we have another one in</p> <p>17 August of 2021, August 2nd, 2021? 7-30 of 2021.</p> <p>18 I mean, basically, these meeting notices, do you</p> <p>19 remember any content from any -- any --</p> <p>20 A. I mentioned to you a meeting that we had in -- in -- in</p> <p>21 our offices, which I think happened during 2021,</p> <p>22 where -- which was an extensive meeting. We had a lot</p> <p>23 of staff people there. And but this -- conference room</p> <p>24 in the Galleria.</p> <p>25 So, this has a location.</p> | <p style="text-align: right;">Page 277</p> <p>1 MS. PRESCOTT: Okay. Why don't we take a break so</p> <p>2 I can go through my notes, just make sure I'm done. I</p> <p>3 think I'm done or very close to done, and if you give me</p> <p>4 10 minutes, I'll check back in.</p> <p>5 (Short recess at 5:06 p.m.)</p> <p>6 * * *</p> <p>7 (Record resumed at 5:24 p.m.)</p> <p>8 MS. PRESCOTT: A couple of questions here just to</p> <p>9 finish up.</p> <p>10 BY MS. PRESCOTT:</p> <p>11 Q. Okay. Did you ever hear anyone at Hospice of Michigan</p> <p>12 talk about separating or terminating Greg Parry? Did</p> <p>13 they ever talk about that with you?</p> <p>14 A. No.</p> <p>15 Q. Did anyone ever tell you after the fact why it could</p> <p>16 happen?</p> <p>17 A. I learned only from the depositions.</p> <p>18 Q. Okay. Did you use text messages to communicate with</p> <p>19 anyone at Hospice of Michigan?</p> <p>20 A. I'm sure I did.</p> <p>21 Q. Okay. And did you ever talk -- for example, during the</p> <p>22 ghosting, when you're trying to track Patrick down and</p> <p>23 get him to call you back or those kinds of things, did</p> <p>24 you use your phone or texting mechanisms to talk about</p> <p>25 any of the things we've talked about today?</p> |



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| <p style="text-align: right;">Page 278</p> <p>1 A. I presume so.</p> <p>2 Q. Okay. Have you looked in your phone?</p> <p>3 A. Well, not talking -- talking -- yeah, talking about like</p> <p>4 where are you, let's do a meeting, so on and so forth.</p> <p>5 Q. Fair.</p> <p>6 Have you looked in your phone for documents related</p> <p>7 to this case at any point --</p> <p>8 A. I haven't.</p> <p>9 Q. -- or text messages?</p> <p>10 A. No.</p> <p>11 Q. Okay. Can you -- do you -- would you have anything</p> <p>12 stored back? Have you deleted them?</p> <p>13 A. The --</p> <p>14 MR. MCGORISK: You've still got the same phone?</p> <p>15 A. No. When did -- I got a new phone about two months ago.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Okay.</p> <p>18 A. And I don't know where I have --</p> <p>19 Q. Did the texts come over, though?</p> <p>20 They usually throw them over.</p> <p>21 A. So, your -- answer an earlier question is, it wouldn't</p> <p>22 be my habit to send over documents.</p> <p>23 THE REPORTER: "Would" or "would not"? Sorry.</p> <p>24 A. I don't do -- with texts.</p> <p>25 THE REPORTER: "Would" or "would not be"?</p> | <p style="text-align: right;">Page 280</p> <p>1 A. Okay. However. I got it. Terre.</p> <p>2 BY MS. PRESCOTT:</p> <p>3 Q. Herro --</p> <p>4 A. What?</p> <p>5 Q. -- last name Herro -- on anything to do with IT with</p> <p>6 HOM?</p> <p>7 A. I'd probably remember that name, and I do not.</p> <p>8 Q. Okay. How about Eric Kaplan? Did you ever work with</p> <p>9 Mr. Kaplan?</p> <p>10 A. I did not.</p> <p>11 Q. Okay. Have you had any training on the anti-kickback</p> <p>12 statute?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 MR. MCGORISK: Objection. Asked and answered.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Where did you get that training from?</p> <p>18 You said that -- did you get training after -- I</p> <p>19 know Natalie told us she got training after she was</p> <p>20 separated from Hospice of Michigan. Right?</p> <p>21 Did you put on a training at JHCN about the</p> <p>22 anti-kickback statute in the last year or two?</p> <p>23 A. Now, same one -- only the same one that Natalie refers</p> <p>24 to. I was --</p> <p>25 Q. Okay. But that was after she left Hospice of Michigan;</p>      |
| <p style="text-align: right;">Page 279</p> <p>1 A. Pardon?</p> <p>2 MR. MCGORISK: "Would not be"?</p> <p>3 THE REPORTER: "Would" or "would not"?</p> <p>4 A. I'm sorry.</p> <p>5 BY MS. PRESCOTT:</p> <p>6 Q. It would be your habit or it would not be your habit?</p> <p>7 A. It would not be my habit. It would be -- I'm not sure I</p> <p>8 would know how to do it, even.</p> <p>9 Q. Fair.</p> <p>10 All I want to understand is if you have texts going</p> <p>11 back more than two months ago. Like if you went in your</p> <p>12 phone and looked for a text from your family or your</p> <p>13 friends --</p> <p>14 A. I got a new phone within the last three months or</p> <p>15 something.</p> <p>16 Q. Well, don't delete any texts that may have to do with</p> <p>17 anything we talk about today, if you -- if you would.</p> <p>18 A. Sure.</p> <p>19 Q. Did you ever work with Terre Herro on anything to do</p> <p>20 with --</p> <p>21 A. Carrie?</p> <p>22 Q. Terre, T-e-r-r-i(sic).</p> <p>23 A. Thank you.</p> <p>24 MS. SMITH-MORRIS: T-e-r-r-e.</p> <p>25 MR. MCGORISK: Yeah.</p>                                                                 | <p style="text-align: right;">Page 281</p> <p>1 right?</p> <p>2 A. After who?</p> <p>3 Q. After Natalie left Hospice of Michigan?</p> <p>4 I'm just trying to put it in time.</p> <p>5 A. I presume -- yeah, I know you're trying to. I'm trying</p> <p>6 to be somewhat accurate and, you know, be as truthful as</p> <p>7 I can.</p> <p>8 Yeah.</p> <p>9 No, give me a second.</p> <p>10 I can't think as well at 5:30 as I did at 9:00.</p> <p>11 We're at -- what's the timeline?</p> <p>12 Q. Can I -- I'll ask a different -- I'll withdraw it.</p> <p>13 A. I think she was -- after she was -- for sure, it was</p> <p>14 after she was released.</p> <p>15 Q. Okay.</p> <p>16 For -- do you know of any training that you</p> <p>17 attended on the anti-kickback statute before, if we take</p> <p>18 as a timeline, Natalie's release from Hospice of</p> <p>19 Michigan?</p> <p>20 A. I believe that I took training at Hospice of Michigan.</p> <p>21 Q. Okay.</p> <p>22 A. Yeah.</p> <p>23 Q. So, that would have been prior to --</p> <p>24 A. I think, yeah.</p> <p>25 Q. -- just let -- it would have been prior to 2010?</p> |

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| <p style="text-align: right;">Page 282</p> <p>1 A. Yeah. Probably.</p> <p>2 Q. Can you -- do you know what the definition of what</p> <p>3 counts as a referral is specific to that law?</p> <p>4 A. I'm somewhat -- I think I'm rather -- more familiar than</p> <p>5 a lot of people. I think I'm pretty clear.</p> <p>6 Q. What's your understanding?</p> <p>7 A. I understand that if there's ever an agreement for two</p> <p>8 parties to provide any gifts or money or exchange in</p> <p>9 kind or -- to make referrals that involve federal funds,</p> <p>10 there could be very serious legal consequences to that,</p> <p>11 including jail time and fines and, you know -- that's</p> <p>12 the quickie.</p> <p>13 Q. Fair.</p> <p>14 All I wanted to do was break out what it means to</p> <p>15 make a referral as that law defines it.</p> <p>16 It might be different than the man on the street or</p> <p>17 the lady on the street.</p> <p>18 Do you know what the statute definition is?</p> <p>19 A. The statute definition of a referral, the word</p> <p>20 "referral"?</p> <p>21 Q. Well, yeah. What you just said.</p> <p>22 You know, providing a value or gift for money and</p> <p>23 making an agreement to make a referral.</p> <p>24 What is the "to make a referral"? What is -- what</p> <p>25 counts?</p>                                                                                                                                                   | <p style="text-align: right;">Page 284</p> <p>1 problems was for there to be a whistleblower; one person</p> <p>2 is all it took?</p> <p>3 A. I don't think so. Not that stands out in my memory.</p> <p>4 Q. Did --</p> <p>5 MR. MCGORISK: Can you take your hand away from</p> <p>6 your -- or he's going to get --</p> <p>7 A. Yes.</p> <p>8 I'm sorry.</p> <p>9 BY MS. PRESCOTT:</p> <p>10 Q. Lee -- from time to time, did you meet with Lee Ann</p> <p>11 Myers or have interactions and exchanges with Ms. Myers?</p> <p>12 A. Not that I -- no, I don't think so.</p> <p>13 MS. PRESCOTT: Okay. Why don't you play the piece</p> <p>14 of the conversation. We can mark this tape.</p> <p>15 I guess that would be --</p> <p>16 THE REPORTER: 17.</p> <p>17 MS. PRESCOTT: 17.</p> <p>18 MR. MCGORISK: Well, what's the purpose for him</p> <p>19 listening to it now?</p> <p>20 MS. PRESCOTT: Because he's -- he's used, and he's</p> <p>21 talked about in this piece.</p> <p>22 (Audio recording played.)</p> <p>23 (Audio recording stopped.)</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. Okay. So, I know -- we'll mark the document as an</p>                                                                                                                                                 |
| <p style="text-align: right;">Page 283</p> <p>1 A. That means a referral for services that someone will</p> <p>2 be -- the -- the organization or the person or the</p> <p>3 doctor, whatever it is, will be remunerated,</p> <p>4 particularly with federal funds.</p> <p>5 Q. But what is the "refer"? What is it -- what counts?</p> <p>6 Does it count to -- to suggest? Does it count --</p> <p>7 A. Could you ask the question --</p> <p>8 Q. Yeah.</p> <p>9 Like does it count if you suggest? Does it count</p> <p>10 if you recommend? Do you have to have -- is it only a</p> <p>11 referral if it comes on a certificate that's engraved?</p> <p>12 Like what -- what is a referral?</p> <p>13 A. I would say, but I don't know, that this is part of the</p> <p>14 statute exactly, in the various trainings that I've</p> <p>15 gotten, that -- that if it -- it is something that ends</p> <p>16 up leading a patient -- we'll talk about patients --</p> <p>17 leading a patient to get to -- to get services that</p> <p>18 there's a remuneration for, it's called a referral.</p> <p>19 Anything that would lead to that.</p> <p>20 Q. Okay. There was talk about, you know, within Hospice of</p> <p>21 Michigan shortly before my client was separated that all</p> <p>22 it was going to take was one person to be a</p> <p>23 whistleblower.</p> <p>24 Did anyone ever discuss that with you, that</p> <p>25 concept, that all it's going to take for some serious</p> | <p style="text-align: right;">Page 285</p> <p>1 exhibit, but we just heard a portion of the tape that</p> <p>2 was at about 33 minutes to 34 minutes, and the woman</p> <p>3 speaking was Myers. Parry is the man. And they're</p> <p>4 talking about "all it's going to take is one person."</p> <p>5 Did you hear -- did you hear the "it's only going</p> <p>6 to take one person"?</p> <p>7 A. I couldn't make it out. That's fine.</p> <p>8 MS. PRESCOTT: Okay.</p> <p>9 MS. SMITH-MORRIS: Do you want me --</p> <p>10 MS. PRESCOTT: Yeah, you want to --</p> <p>11 BY MS. PRESCOTT:</p> <p>12 Q. I think if you heard it again --</p> <p>13 A. Do you want me to come over to the other side?</p> <p>14 Q. If you want.</p> <p>15 MR. MCGORISK: You can just assume that that -- ask</p> <p>16 the question, assuming that that's what she said. I</p> <p>17 mean --</p> <p>18 MR. HERSCHFUS: I don't think he heard.</p> <p>19 BY MS. PRESCOTT:</p> <p>20 Q. Okay. So, she says something to the effect of "All it's</p> <p>21 going to take is one person if we disclose. Bunny would</p> <p>22 be the wild card there."</p> <p>23 A. I thought -- I think I have seen those words in the</p> <p>24 deposition somewhere.</p> <p>25 Q. "Would keep me up at night. Bunny would be the wild</p> |

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| <p style="text-align: right;">Page 286</p> <p>1 card here. He would never disclose because he has so</p> <p>2 much more to lose because he is wrapped up in this many</p> <p>3 times over."</p> <p>4 A. That's -- who is talking?</p> <p>5 Q. That's Lee Ann Myers, the current Chief Administrative</p> <p>6 Officer of Hospice of Michigan, then CFO.</p> <p>7 Do you know what she means or do you -- about you</p> <p>8 "are wrapped up in this many times over" and "have much</p> <p>9 more to lost than Hospice of Michigan"?</p> <p>10 A. I mean she doesn't understand anything about our</p> <p>11 relationship.</p> <p>12 Q. Do you agree that if the government got a hold of the</p> <p>13 facts of this case, that you have much more to lose than</p> <p>14 Hospice of Michigan?</p> <p>15 MR. MCGORISK: He's not going to answer that.</p> <p>16 BY MS. PRESCOTT:</p> <p>17 Q. Well, don't agree or not agree.</p> <p>18 MR. MCGORISK: No. He's not going to answer.</p> <p>19 Don't answer.</p> <p>20 BY MS. PRESCOTT:</p> <p>21 Q. Do you have much more to lose than Hospice of Michigan?</p> <p>22 A. I'm instructed by my --</p> <p>23 MS. PRESCOTT: Well, it goes to bias. It goes to</p> <p>24 the witness's -- you know, his interest in -- in</p> <p>25 testimony.</p> | <p style="text-align: right;">Page 288</p> <p>1 you for seven hours here he -- everything was on the</p> <p>2 up-and-up. So, for you to -- it's an improper</p> <p>3 hypothetical.</p> <p>4 MS. PRESCOTT: Why are you coaching him, Brian?</p> <p>5 MR. MCGORISK: He's not going to -- he's not going</p> <p>6 to admit that he had any wrongdoing; okay? So --</p> <p>7 A. I certainly won't. I'll say the opposite.</p> <p>8 Can I say the opposite?</p> <p>9 BY MS. PRESCOTT:</p> <p>10 Q. You answered for most all the day --</p> <p>11 THE WITNESS: Do you want me to?</p> <p>12 BY MS. PRESCOTT:</p> <p>13 Q. -- without your lawyer.</p> <p>14 Do you feel comfortable answering that you have --</p> <p>15 you don't agree that you have more to lose than Hospice</p> <p>16 of Michigan; is that fair?</p> <p>17 A. My counsel does not want me to answer that question.</p> <p>18 MR. MCGORISK: Well, no --</p> <p>19 A. I have feelings and thoughts about that but -- which</p> <p>20 are completely --</p> <p>21 MR. MCGORISK: I'm objecting because of the</p> <p>22 improper hypothetical, and it assumes that there was</p> <p>23 wrongdoing, and implied through the question itself.</p> <p>24 So, to that extent, I'm going to instruct him not to</p> <p>25 answer. Because you're presupposing through the</p>                                                                                      |
| <p style="text-align: right;">Page 287</p> <p>1 MR. MCGORISK: Well, you're asking for him to agree</p> <p>2 or disagree --</p> <p>3 MS. PRESCOTT: So, I dropped the "agree."</p> <p>4 BY MS. PRESCOTT:</p> <p>5 Q. Right?</p> <p>6 Do you have much more to lose by the facts of this</p> <p>7 matter coming out than Hospice of Michigan?</p> <p>8 A. My counsel --</p> <p>9 MR. MCGORISK: Object to foundation. Requires</p> <p>10 speculation on the part of the witness, and it's</p> <p>11 improper hypothetical.</p> <p>12 A. And I won't answer --</p> <p>13 BY MS. PRESCOTT:</p> <p>14 Q. Well, it's --</p> <p>15 -- on instruction of my --</p> <p>16 Q. He's not instructing you not to answer.</p> <p>17 MR. MCGORISK: Not -- not on this question.</p> <p>18 I mean, I -- if -- I don't know what -- for what to</p> <p>19 come out?</p> <p>20 It's a vague question.</p> <p>21 MS. PRESCOTT: Self-disclosure under the</p> <p>22 anti-kickback statute --</p> <p>23 MR. MCGORISK: He didn't do anything wrong. He's</p> <p>24 taking the position that he hasn't done anything wrong.</p> <p>25 You're taking the position that he did. And he's told</p>                                                                                                                          | <p style="text-align: right;">Page 289</p> <p>1 question that there was wrongdoing.</p> <p>2 MS. PRESCOTT: I'm just asking --</p> <p>3 THE WITNESS: Do you want to step outside and</p> <p>4 talk --</p> <p>5 MR. MCGORISK: No --</p> <p>6 MS. PRESCOTT: No, no, no. I'm not -- I didn't</p> <p>7 presuppose anything.</p> <p>8 BY MS. PRESCOTT:</p> <p>9 Q. I want to know your state of mind, as we close out here,</p> <p>10 whether you feel you have more to lose because you are</p> <p>11 tied up in something wrong many times over, much more to</p> <p>12 lose than Hospice of Michigan? Do you feel --</p> <p>13 A. Do I agree with that statement that I -- that I'm tied</p> <p>14 up in -- with wrongdoing?</p> <p>15 Q. That -- do you feel you have a lot to lose if the facts</p> <p>16 of this case come out?</p> <p>17 A. I welcome being in a court of law with -- making a total</p> <p>18 oath about all that I said here today. It's 100 percent</p> <p>19 true. And I have nothing to lose, and I won't lose</p> <p>20 because everything I did was proper.</p> <p>21 I have no queasiness in my stomach that this might</p> <p>22 go to court and -- and be a problem. It's not a problem</p> <p>23 for me, and I have nothing to lose, except people saying</p> <p>24 the wrong things and -- and implying that some of the</p> <p>25 things that I read in the depositions when people lie</p> |

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| <p style="text-align: right;">Page 290</p> <p>1 about me.</p> <p>2 Q. Are you okay -- are you comfortable that your testimony</p> <p>3 and the questions here today are -- if they -- if</p> <p>4 they're all known? You're not concerned if they're</p> <p>5 publicly aired in a court of law?</p> <p>6 A. Oh, yeah, I -- I would put -- if you want me to write a</p> <p>7 column of what we do and -- and how we do it --</p> <p>8 Q. Just -- I'm talking about today's questions and today's</p> <p>9 testimony.</p> <p>10 A. I said earlier in our conversation that I wouldn't be</p> <p>11 comfortable people knowing my salary, but, of course,</p> <p>12 they could look at a 990 and -- and find it.</p> <p>13 But -- but, yeah, so I'm comfortable with</p> <p>14 everything I said here. Perfectly comfortable.</p> <p>15 Q. Becoming public?</p> <p>16 MR. HERSCHFUS: Well, I'm going to object. There's</p> <p>17 a protective order --</p> <p>18 MR. MCGORISK: Yeah. It's subject to a protective</p> <p>19 order. So --</p> <p>20 A. They're all making noise, and I -- that's --</p> <p>21 MR. MCGORISK: He's not going to admit that he</p> <p>22 wants it to become public when there's a stipulated</p> <p>23 protective order.</p> <p>24 BY MS. PRESCOTT:</p> <p>25 Q. I thought you do. I thought you wanted everything to</p> | <p style="text-align: right;">Page 292</p> <p>1 Q. I just want to know what you want.</p> <p>2 Do you want the facts to all come to light?</p> <p>3 MR. HERSCHFUS: I'm objecting to your</p> <p>4 characterization of what was coaching --</p> <p>5 MR. MCGORISK: You're --</p> <p>6 THE REPORTER: I'm sorry, guys. One at a time.</p> <p>7 MR. HERSCHFUS: I think your behavior is</p> <p>8 inappropriate when two attorneys have already instructed</p> <p>9 you, and you're trying to push the witness because</p> <p>10 you're looking to get some dig in or you're looking to</p> <p>11 get some information, particularly that a protective</p> <p>12 order prohibits you from getting. It's not right. Not</p> <p>13 right.</p> <p>14 I mean, a lot of what -- your behavior is wrong.</p> <p>15 But this in particular --</p> <p>16 MS. PRESCOTT: My behavior. Go ahead and put it on</p> <p>17 the record.</p> <p>18 MR. HERSCHFUS: -- just not -- just not -- just not</p> <p>19 right.</p> <p>20 MS. PRESCOTT: Tell -- tell me my behavior.</p> <p>21 MR. HERSCHFUS: Just not right.</p> <p>22 MS. PRESCOTT: Go ahead and put it on the record.</p> <p>23 MR. HERSCHFUS: Continue on. I think you're long</p> <p>24 past the seven and a half hours, too.</p> <p>25 MS. PRESCOTT: No, we're not. We're not even</p> |
| <p style="text-align: right;">Page 291</p> <p>1 come out?</p> <p>2 MR. HERSCHFUS: It doesn't matter what he wants or</p> <p>3 doesn't want. There's an organization involved there,</p> <p>4 too. There's a protective order. So, he doesn't</p> <p>5 have --</p> <p>6 BY MS. PRESCOTT:</p> <p>7 Q. Which is it? What do you want?</p> <p>8 MR. HERSCHFUS: It's what the attorneys want.</p> <p>9 MR. MCGORISK: You know what --</p> <p>10 MS. PRESCOTT: It's not --</p> <p>11 MR. HERSCHFUS: It is.</p> <p>12 MS. PRESCOTT: It isn't.</p> <p>13 MR. HERSCHFUS: That's why judges sign orders.</p> <p>14 MR. MCGORISK: He's not going to answer it.</p> <p>15 MS. PRESCOTT: Why are you talking? Why are you</p> <p>16 talking?</p> <p>17 MR. HERSCHFUS: That's why judges sign -- that's</p> <p>18 why judges sign orders.</p> <p>19 MS. PRESCOTT: Why are you talking --</p> <p>20 MR. HERSCHFUS: If you have an issue with it -- and</p> <p>21 if you have an issue with it, you can take it up with</p> <p>22 the court.</p> <p>23 MS. PRESCOTT: You don't need to talk. You're not</p> <p>24 objecting. You don't need to coach him.</p> <p>25 BY MS. PRESCOTT:</p>                                                                                                                                                                             | <p style="text-align: right;">Page 293</p> <p>1 close.</p> <p>2 MR. HERSCHFUS: Well, showing up a half hour late,</p> <p>3 I don't think you get the -- the extra half hour.</p> <p>4 MS. PRESCOTT: We're not even close, sir. And</p> <p>5 you're locked outside and can't get in the building, and</p> <p>6 we all sit around and don't gripe at you about it.</p> <p>7 MR. HERSCHFUS: Oh, I'm sure.</p> <p>8 MR. MCGORISK: Let's stop the arguments --</p> <p>9 MS. PRESCOTT: Everybody has their issues --</p> <p>10 THE REPORTER: I'm sorry?</p> <p>11 MR. MCGORISK: He's not going to answer the last</p> <p>12 question.</p> <p>13 MS. PRESCOTT: Stop the arguments? I didn't start</p> <p>14 the arguments.</p> <p>15 You don't need to talk over, and you don't need to</p> <p>16 tell him not to answer when it's not privileged.</p> <p>17 BY MS. PRESCOTT:</p> <p>18 Q. I just was going off your last point.</p> <p>19 You want the facts that you've testified here</p> <p>20 today, other than salary -- and I get that piece --</p> <p>21 other than who is getting paid by what organization -- I</p> <p>22 took your point on those -- other than that, you're</p> <p>23 comfortable with everything being out in public?</p> <p>24 MR. MCGORISK: Don't -- don't answer.</p> <p>25 BY MS. PRESCOTT:</p>      |

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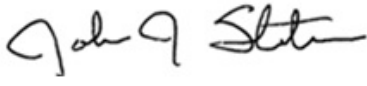
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| <p style="text-align: right;">Page 294</p> <p>1 Q. Or you're not?</p> <p>2 MR. MCGORISK: I'm instructing him not to answer.</p> <p>3 You're harassing the witness. It's not even relevant.</p> <p>4 It's not proportional to the needs of the case. There's</p> <p>5 a protective order in place.</p> <p>6 MS. PRESCOTT: Okay. I just thought the witness</p> <p>7 might want to answer that one, but we can close out if</p> <p>8 he doesn't.</p> <p>9 MR. MCGORISK: He's not answering. I already</p> <p>10 instructed him to. So, either -- if you have any other</p> <p>11 questions --</p> <p>12 MS. PRESCOTT: Fine.</p> <p>13 A. But feel free to call me. My number is --</p> <p>14 MR. MCGORISK: Don't -- hey, stop. Stop it.</p> <p>15 A. Okay.</p> <p>16 MS. PRESCOTT: They wouldn't let me call you at</p> <p>17 first, or we wouldn't have had to come to your office, I</p> <p>18 promise you.</p> <p>19 I pass the witness.</p> <p>20 MR. HERSCHFUS: I have no questions.</p> <p>21 MR. MCGORISK: Thank you.</p> <p>22 THE REPORTER: Okay, guys. U.S. Legal requests we</p> <p>23 ask --</p> <p>24 MR. HERSCHFUS: I don't think you should let that</p> <p>25 one stand on the record because she's making a</p>                                                                                                                                                                                                                                                               | <p style="text-align: right;">Page 296</p> <p>1 of the last comments she just made.</p> <p>2 I -- I think some of this has to go to the judge.</p> <p>3 Your behavior is just -- just condemnable.</p> <p>4 MS. PRESCOTT: Okay. Go ahead, Brian.</p> <p>5 MR. HERSCHFUS: It's just ridiculous.</p> <p>6 I mean, there's got to be a level of -- of -- just</p> <p>7 get professionalism.</p> <p>8 MS. PRESCOTT: Why don't you put on the record who</p> <p>9 you represented yesterday before you start telling me</p> <p>10 about professionalism?</p> <p>11 MR. HERSCHFUS: Well, then you take -- why don't</p> <p>12 you take that to the court? Why don't you take it to</p> <p>13 the court and let's see who gets sanctioned, you or me?</p> <p>14 MS. PRESCOTT: Okay.</p> <p>15 Go ahead. I'm sure you know the way to Magistrate</p> <p>16 Grant's chambers.</p> <p>17 MR. HERSCHFUS: You know, I --</p> <p>18 MS. PRESCOTT: Go ahead and make --</p> <p>19 MR. HERSCHFUS: I really wish this was my case.</p> <p>20 Because I'll tell you something. If you think your</p> <p>21 behavior --</p> <p>22 MS. PRESCOTT: I'm sure you do, Brian --</p> <p>23 MR. HERSCHFUS: If you think your behavior --</p> <p>24 MS. PRESCOTT: -- so you could control it.</p> <p>25 THE REPORTER: I'm sorry?</p> |
| <p style="text-align: right;">Page 295</p> <p>1 representation on the record that contravenes the letter</p> <p>2 that you wrote to her about that, and it's absolutely</p> <p>3 untrue.</p> <p>4 MR. MCGORISK: Yeah. You knew I was representing</p> <p>5 him, through my e-mail, I told you, for purposes of the</p> <p>6 deposition. And then instead of sending me a copy of</p> <p>7 the subpoena and the notice, okay, you try to serve him</p> <p>8 separately.</p> <p>9 MS. PRESCOTT: Brian, you said we -- you wouldn't</p> <p>10 accept service. I begged you to do it.</p> <p>11 MR. MCGORISK: I never said that. I said -- on</p> <p>12 January 9th, I said I represent --</p> <p>13 MS. PRESCOTT: You said you wouldn't, and I needed</p> <p>14 to go ahead and get the deposition going. So, you</p> <p>15 wouldn't accept service, and he, who didn't meet with me</p> <p>16 or talk to me or never known me, and I can't comment on</p> <p>17 him because I don't know him, wasn't any part of it</p> <p>18 because he wasn't in on it.</p> <p>19 So, don't -- I don't know why this person over here</p> <p>20 is telling us what happened didn't happen. He wasn't</p> <p>21 part of it, and I didn't say anything that was untrue.</p> <p>22 MR. HERSCHFUS: Do me a favor --</p> <p>23 MS. PRESCOTT: "Please advise if you are accepting</p> <p>24 service of subpoena for Rabbi Freedman, January 4th."</p> <p>25 MR. HERSCHFUS: How -- specifically mark that, some</p> | <p style="text-align: right;">Page 297</p> <p>1 MR. HERSCHFUS: If you think your behavior would be</p> <p>2 allowed -- I don't know any judge that would allow it.</p> <p>3 MS. PRESCOTT: And I don't know any judge that</p> <p>4 would allow it to go by that you lied to them either.</p> <p>5 MR. HERSCHFUS: Yeah. Yeah. I'm sure --</p> <p>6 MS. PRESCOTT: But go ahead and prove me wrong.</p> <p>7 MR. HERSCHFUS: Take -- take it to the court. Take</p> <p>8 it to the court.</p> <p>9 MS. PRESCOTT: I did.</p> <p>10 MR. HERSCHFUS: You know how to get to the court.</p> <p>11 MS. PRESCOTT: I did, and you told the judge what</p> <p>12 was convenient.</p> <p>13 MR. HERSCHFUS: You know how to get to the court.</p> <p>14 Take it up.</p> <p>15 MS. PRESCOTT: We can go off, John.</p> <p>16 THE REPORTER: Okay, guys. U.S. Legal requests we</p> <p>17 ask counsel on the record if they'd like to order.</p> <p>18 Sarah, would you like to order the transcript</p> <p>19 today?</p> <p>20 MS. PRESCOTT: Yes.</p> <p>21 THE REPORTER: Thank you.</p> <p>22 David, would you like a copy?</p> <p>23 MR. DEROMEDI: Yes. Yes.</p> <p>24 THE REPORTER: Brian, would you like a copy?</p> <p>25 Either Brian?</p>                                                                            |

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1 MR. MCGORISK: No, I don't need a copy.  
 2 (Discussion held off the record.)  
 3 THE REPORTER: Brian, did you want to order the  
 4 transcript?  
 5 MR. HERSCHFUS: I'll talk to --  
 6 THE REPORTER: Okay. Thanks.  
 7 (Deposition Exhibit 17 marked  
 8 for identification.)  
 9 (Deposition concluded at 5:42 p.m.)  
 10 \* \* \*

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1 STATE OF MICHIGAN )  
 2 COUNTY OF OAKLAND )  
 3 CERTIFICATE OF NOTARY PUBLIC  
 4 I do hereby certify that the witness, whose  
 5 attached testimony was taken in the above matter, was  
 6 first duly sworn to tell the truth; the testimony  
 7 contained herein was reduced to writing via remote  
 8 attendance of the witness by means of stenography;  
 9 afterwards transcribed; and is a true and complete  
 10 transcript of the testimony given.  
 11 I further certify that I am not connected by blood  
 12 or marriage with any of the parties; their attorneys or  
 13 agents; and that I am not interested, directly or  
 14 indirectly, in the matter of controversy.  
 15 In witness whereof, I have hereunto set my hand  
 16 this day at Highland, Michigan, County of Oakland, State  
 17 of Michigan on Friday, March 22, 2024.  
 18   
 19 \_\_\_\_\_  
 20  
 21 John J. Slatin, RPR, CSR-5180  
 22 Certified Shorthand Reporter  
 23 Notary Public, Oakland County, Michigan  
 24 My commission expires: July 25, 2029  
 25